

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

EVANGELINA AGUILERA and  
ANGELINA NUNEZ, individually and  
on behalf of all others similarly  
situated,

Plaintiff,

Case No. 13-CV-1245

vs.

WAUKESHA MEMORIAL HOSPITAL, INC.  
and PROHEALTH CARE, INC.,

Defendant.

Deposition of ILDIKO HUPPERTZ

Tuesday, April 15, 2014

10:02 a.m.

at

HAWKS QUINDEL, S.C.  
222 East Erie Street  
Suite 210  
Milwaukee, Wisconsin

Reported by Jennifer M. Steidtmann, RPR, CRR



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1	Deposition of ILDIKO HUPPERTZ, a witness in the
2	above-entitled action, taken at the instance of the
3	Plaintiff, pursuant to Federal Rules of Civil
4	Procedure, pursuant to notice, before Jennifer M.
5	Steidtman, RPR, CRR and Notary Public, State of
6	Wisconsin, at Hawks Quindel, S.C., 222 East Erie
7	Street, Suite 210, Milwaukee, Wisconsin, on the 15th
8	day of April, 2014, commencing at 10:02 a.m. and
9	concluding at 3:50 p.m.
10	
11	A P P E A R A N C E S
12	
13	HAWKS QUINDEL, S.C.
14	By: Ms. Summer Murshid
15	and Mr. Timothy Maynard
16	222 East Erie Street, Suite 210
17	P.O. Box 442
18	Milwaukee, Wisconsin 53201-0442
19	Appeared on behalf of the Plaintiff
20	
21	HOWARD & HOWARD LAW FIRM
22	By: Mr. Michael R. Lied
23	211 Fulton Street, Suite 600
24	Peoria, Illinois 61602
25	Appeared on behalf of the Defendant

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<p style="text-align: right;">Page 10</p> <p>1 A. Long time ago.</p> <p>2 Q. So I'll refresh your memory on the rules. The first</p> <p>3 thing is Jenny's making a record as we speak. So if</p> <p>4 you would wait until I finish my question before you</p> <p>5 answer, and I'll wait until you finish your answer</p> <p>6 before I finish my questioning.</p> <p>7 If you don't understanding something that I</p> <p>8 ask, please ask me to clarify or rephrase. If you do</p> <p>9 answer, I'll assume that you understood my question.</p> <p>10 You need to give a verbal answer, so no</p> <p>11 nodding of the head or uh-huh or un-huh. Yes or no</p> <p>12 or anything verbal is fine.</p> <p>13 We can take a break any time you need to,</p> <p>14 or any time anybody needs to, as long as there's no</p> <p>15 question pending.</p> <p>16 If your attorney objects, go ahead and</p> <p>17 stop talking. I'm sure he went over this with you.</p> <p>18 If he and I need to have a conversation, we will.</p> <p>19 In the absence of a claim of privilege and a</p> <p>20 direction to not answer for that reason, I'll go</p> <p>21 ahead and direct you to answer.</p> <p>22 Is there any reason -- any medication or</p> <p>23 any other reason that you aren't able to testify</p> <p>24 truthfully and honestly today?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And what's Phil's job title?</p> <p>2 A. Chief Resources Officer.</p> <p>3 Q. And I just called him Phil, not out of disrespect but</p> <p>4 probably I can't pronounce his last name. Can you</p> <p>5 spell his last name?</p> <p>6 A. K-U-B-O-W.</p> <p>7 Q. Kubow?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And then who does Phil report to?</p> <p>10 A. Susan Edwards.</p> <p>11 Q. And what's Susan Edwards' title?</p> <p>12 A. CEO and President.</p> <p>13 Q. Does she report to anybody?</p> <p>14 A. The board.</p> <p>15 Q. Okay. I'm going to ask you what your job description</p> <p>16 is or what your job duties are, and I'm sure there's</p> <p>17 a lot of them, but if you could sort of give me an</p> <p>18 idea of what your role is with the organization.</p> <p>19 A. Responsible for employee and leadership development</p> <p>20 and employer relations.</p> <p>21 Q. Okay. And how does that play out in sort of your</p> <p>22 day-to-day tasks? I mean, I know that's kind of a</p> <p>23 vague question, but can you put some meat on that for</p> <p>24 me?</p> <p>25 A. Sure. Well, day-to-day HR operations and support for</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Do you have any questions about the rules that I just</p> <p>2 went over?</p> <p>3 A. No.</p> <p>4 Q. Okay. All the preliminary stuff is done. Let's</p> <p>5 really get started.</p> <p>6 Can you state your full name for the</p> <p>7 record, please.</p> <p>8 A. Ildiko Huppertz.</p> <p>9 Q. And can you spell it for Jenny.</p> <p>10 A. I-L-D-I-K-O, H-U-P-P-E-R-T-Z.</p> <p>11 Q. And are you currently employed with the defendant?</p> <p>12 A. I am.</p> <p>13 Q. Okay. What is your job title?</p> <p>14 A. Director Organizational Effectiveness and Employee</p> <p>15 Relations.</p> <p>16 Q. Excellent. Okay. What was your date of hire?</p> <p>17 A. August 26, 2013.</p> <p>18 Q. Okay. So we'll probably -- I'll probably ask about</p> <p>19 some stuff that happened prior to your date of hire.</p> <p>20 If you don't know, please just let me know. And if</p> <p>21 you know who might have that information, go ahead</p> <p>22 and tell me at that time, okay?</p> <p>23 A. Okay.</p> <p>24 Q. Who is your direct supervisor? Who do you report to?</p> <p>25 A. Phil Kubow.</p>	<p style="text-align: right;">Page 13</p> <p>1 business leaders as needed as it relates to work</p> <p>2 responding, employee relation issues, coaching and</p> <p>3 counseling for leadership development. And in</p> <p>4 addition, responsible for curriculum design for</p> <p>5 leadership development.</p> <p>6 Q. So I have some organizational charts that I'm going</p> <p>7 to get to in a minute, but are you the director -- I</p> <p>8 know you gave me a job title, but are you in charge</p> <p>9 of human resources? Is that --</p> <p>10 A. I am in charge of business partners as well as</p> <p>11 organization development.</p> <p>12 Q. Okay. And what are the business partners? What does</p> <p>13 that mean?</p> <p>14 A. The business partners are HR generalists, so to</p> <p>15 speak.</p> <p>16 Q. Okay.</p> <p>17 A. So support the business areas that they are assigned.</p> <p>18 MS. MURSHID: Got it. Okay.</p> <p>19 (Exhibit 29 marked for identification.)</p> <p>20 BY MS. MURSHID:</p> <p>21 Q. Okay. This is what's been marked Exhibit 29. And if</p> <p>22 you could take a minute to look through this document</p> <p>23 for me.</p> <p>24 A. Okay.</p> <p>25 Q. Okay. Do you recognize this document?</p>

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1 A. I do.  
2 Q. And it's the amended responses to the 30(b)(6) notice  
3 that we sent out. Your name is listed here as being  
4 responsive to some of these topics, correct?  
5 A. Uh-huh. Yes.  
6 Q. Okay. Is there any reason that you are unable to  
7 testify about the topics that you're designated to  
8 testify about in here?  
9 A. No.  
10 Q. Okay. In the event that some of these topics overlap  
11 and I maybe get into some detail that's better  
12 addressed by the individuals that are testifying  
13 tomorrow, please just let me know, okay?  
14 A. I will. I will.  
15 Q. Okay. I think we're done with this one.  
16 What did you do to prepare for today's  
17 deposition?  
18 A. Reviewed the documents.  
19 Q. Okay. And when you say the documents, do you just  
20 mean the 30(b)(6) notice that was sent, or did you  
21 review more documents?  
22 A. The 30(b)(6) and understanding the policies and  
23 procedures of the organization.  
24 Q. So did you review those policies and procedures?  
25 A. I did.

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1 Q. Did you have any discussions with anybody?  
2 A. No, I did not.  
3 Q. Okay. And let me just pause here to say I'm never  
4 asking about a discussion that you had with your --  
5 with the defendant's attorney. So if I ask you about  
6 something that would be the one topic you had, I  
7 don't want to hear about that, okay?  
8 A. Okay.  
9 Q. Who did you have -- did you say you didn't have  
10 discussions with anybody? I'm sorry.  
11 A. Other than the business partner --  
12 Q. Right.  
13 A. -- that supports the area.  
14 Q. Oh, okay. Who is that?  
15 A. Lisa Wald.  
16 Q. Okay. And spell the last name for the record.  
17 MS. WALD: W-A-L-D.  
18 BY MS. MURSHID:  
19 Q. And you said she's the business partner that supports  
20 the area?  
21 A. Correct.  
22 Q. What does that mean?  
23 A. She is the HR representative that supervisors come to  
24 and employees come to when they have issues from that  
25 service line.

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1 Q. Okay.  
2 A. So she has multiple service lines that she supports.  
3 Q. Okay. So business partner is the job title; is that  
4 correct?  
5 A. Correct.  
6 Q. It's HR business partner?  
7 A. Correct.  
8 Q. Okay. And Ms. Wald is assigned to be the HR rep for  
9 individuals that are at issue in this lawsuit; is  
10 that correct?  
11 A. For the department.  
12 Q. I'm sorry, yes, for the department which individuals  
13 who are involved in the lawsuit work in?  
14 A. Correct.  
15 Q. Okay. And that's housekeepers and certified nursing  
16 assistants?  
17 A. Not certified nursing assistants. Only housekeepers.  
18 Q. Okay. Ms. Wald is the HR business partner that  
19 supports -- is it the Environmental Services  
20 Department?  
21 A. Yes.  
22 Q. Okay. Who is the HR business partner that supports  
23 certified nursing assistants?  
24 A. Sue Oliver.  
25 Q. Sue Oliver. What is the department that she

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1 supports?  
2 A. She has many.  
3 Q. Okay.  
4 A. And the CNA areas within the hospital is also her  
5 area.  
6 Q. Okay. So I think I understand, but I just want to  
7 make sure, and part of this is informed by  
8 discussions I've had with counsel off the record. So  
9 if I'm saying something incorrectly, correct me. But  
10 I understand that CNAs are assigned to a variety of  
11 departments within the hospital; is that correct?  
12 A. That is correct.  
13 Q. Okay. So is it accurate to say that Ms. Oliver  
14 supports CNAs across departments?  
15 A. Yes.  
16 Q. Okay. So regardless of which department they're in,  
17 she oversees sort of the CNA program, is that -- is  
18 that the right word?  
19 A. It's not a program.  
20 Q. Okay.  
21 A. The leaders that oversee CNAs within the departments  
22 that she supports, if they have HR issues, they come  
23 to Sue Oliver for guidance.  
24 Q. The leaders that support CNAs, okay. And what are  
25 the job titles of the leaders that support CNAs?



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1 A. Supervisor or manager.  
2 Q. Okay. Are they CNA supervisors, or are they other --  
3 A. It would be a department supervisor --  
4 Q. Okay.  
5 A. -- of which many different roles -- people hold  
6 different roles within a department.  
7 Q. I understand. Okay. So I'm just going to draw in my  
8 head here really quick.  
9 Okay. The CNA reports to the department  
10 supervisor for the department within which they are  
11 assigned?  
12 A. Correct.  
13 Q. The department supervisor then reports to Ms. Oliver?  
14 A. Ms. Oliver reports to me.  
15 Q. Right. But the department supervisor reports to  
16 Ms. Oliver?  
17 A. No.  
18 Q. Oh. Maybe I'm not understanding.  
19 A. No.  
20 Q. Okay.  
21 A. There are different departments within the hospital.  
22 Within each hospital -- within each department,  
23 there's a supervisor or a manager.  
24 Q. Okay.  
25 A. There's also a director or a vice president all the

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1 way up to nursing.  
2 Q. Okay.  
3 A. They report within that organization. HR is  
4 separate. That's a separate department.  
5 Q. Okay.  
6 A. So within HR, the business partners report directly  
7 to me.  
8 Q. Uh-huh.  
9 A. And I report to Phil Kubow, and Phil Kubow reports to  
10 Susan. There is no -- they're parallel.  
11 Q. I understand.  
12 A. We are a support and consult to the departments  
13 within Waukesha Memorial.  
14 MS. MURSHID: Perfect. That is very  
15 helpful, and I think probably now would be a good  
16 time to talk about my organizational charts so that  
17 I understand.  
18 (Exhibit 30 marked for identification.)  
19 BY MS. MURSHID:  
20 Q. Okay. Can you kind of page through this document for  
21 me?  
22 A. Sure. Okay.  
23 Q. Do you recognize this sort of set of documents that  
24 I've given you?  
25 A. I do.

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1 Q. Okay. And what is it?  
2 A. It is the organizational chart for -- as it looks  
3 like, for all departments within ProHealth Care.  
4 Q. Thank you. So the first page -- and I'm going to  
5 refer to these little numbers in the bottom. They've  
6 been put on there by defense counsel. The first page  
7 is WMH000098, and that looks like it's the  
8 organizational chart for ProHealth Care Environmental  
9 Services, correct?  
10 A. That is correct.  
11 Q. And that is the department within which housekeepers  
12 work, correct?  
13 A. Correct.  
14 Q. Who else -- what other job titles work in that  
15 department, if you know?  
16 A. I do not know.  
17 Q. Okay.  
18 A. Other than what appears here.  
19 Q. Okay.  
20 A. Well, the housekeepers that would fall underneath,  
21 yeah.  
22 Q. Sure. I didn't know if there was any other staff,  
23 janitorial staff or any kind of other staff?  
24 A. I'm not aware of it.  
25 Q. Okay.

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1 A. I only know of the housekeepers.  
2 Q. Okay.  
3 A. There may be other titles, but I'm not aware of it.  
4 Q. Would that be something appropriately asked to the  
5 EVS manager I think that's -- oh, she's a supervisor,  
6 Marian Thornburg. Would that be a question I could  
7 address to her?  
8 A. Sure.  
9 Q. Okay. So this is the organizational chart for the  
10 EVS department, and I see that the director is Randy  
11 Sparrow?  
12 A. Correct.  
13 Q. And I guess what I -- I feel like I had this sort of  
14 laid out. Let me ask you this. You just explained  
15 that the HR Department is separate.  
16 A. Uh-huh. Yes.  
17 Q. Parallels this -- this Environmental Services, and am  
18 I correct in saying that Environmental Services falls  
19 under Support and Diagnostics? I'm looking at page  
20 -113 now.  
21 A. That is correct.  
22 Q. Okay. And that -- the Director of Support and  
23 Diagnostics, or the vice president, I'm sorry, is  
24 Christopher Williams?  
25 A. That is correct.

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1 Q. And that -- I'm now looking at -109. That fits in --  
2 and Mr. Williams reports to the Hospital Division  
3 President, John Robertstad; is that correct?  
4 A. That is correct.  
5 Q. Okay. And then now I'm looking at -99, and that  
6 is -- Mr. Robertstad reports directly to the CEO,  
7 Ms. Edwards, correct?  
8 A. That is correct.  
9 Q. Okay. Now within all of this, there's no HR because  
10 HR is a parallel department, correct?  
11 A. HR is a department that reports to a different area.  
12 Q. Okay. Show me who HR reports to. Can you show me  
13 the charts?  
14 A. On -99.  
15 Q. Okay.  
16 A. If you look at -99, HR reports to the Chief Human  
17 Resource Officer, Phil Kubow.  
18 Q. Okay.  
19 A. Okay. And then if I look and see if HR is in here --  
20 Q. -102?  
21 A. -102?  
22 Q. Is that it?  
23 A. There we go. So then the HR -- Phil Kubow has two  
24 different -- three different distinct departments  
25 that report directly to him.

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1 Q. Okay.  
2 A. And one of which is my responsibility as  
3 Organizational Effectiveness and Employee Relations,  
4 whom the business partners report to. And each  
5 business partner, as I stated before, is assigned to  
6 support the various businesses within the  
7 organization.  
8 Q. Okay. And what are those businesses?  
9 A. It's nursing.  
10 Q. Okay.  
11 A. It's lab. It's IT. There's a lot of them.  
12 Q. Okay.  
13 A. It's home care. It depends what the departments are,  
14 but there are many departments, and that is why we  
15 have many business partners. Each are assigned  
16 specific ones. Lisa Wald is assigned housekeeping as  
17 one of her many departments.  
18 Q. Okay, okay.  
19 A. Off the top of my head, I don't know exactly all the  
20 other departments other than pharmacy and lab and  
21 EVS.  
22 Q. Okay. And then I see Sue Oliver on here.  
23 A. Uh-huh. Yes.  
24 Q. So one of her departments is --  
25 A. Nursing.

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1 Q. -- nursing?  
2 A. She's responsible for nursing.  
3 Q. Okay. And that's what CNAs fall under?  
4 A. And CNAs fall within those departments, correct.  
5 Q. Okay. So let's talk about Ms. Wald. Does she  
6 perform all of the HR functions for the housekeeping  
7 department? I'm sorry. For EVS?  
8 A. She only is an HR consult for the department. She is  
9 not -- she doesn't perform the HR function. That's  
10 the function of a manager or supervisor within the  
11 department to manage their employees.  
12 Q. Okay.  
13 A. If there is an issue with an employee or an employee  
14 has an issue with a manager, then it's Ms. Wald that  
15 steps in as a guide or coach and counsel for either  
16 the employee or for the supervisor.  
17 Q. Okay. And then what about sort of like the  
18 establishment of policies and procedures that apply  
19 to the EVS Department, is that something that comes  
20 from Ms. Wald?  
21 A. No. Policy and procedures from the organization as a  
22 whole are managed by Human Resources or Compensation  
23 or IT, depends on the policy.  
24 Q. Sure. So those policies apply to every housekeeper?  
25 A. Every employee within the organization.

Page 25

1 Q. Which includes housekeepers?  
2 A. Which includes housekeepers.  
3 Q. And it includes CNAs?  
4 A. Correct.  
5 Q. Okay. And so then the same question about  
6 Ms. Oliver. She's the HR consultant?  
7 A. Correct.  
8 Q. For departments that have CNAs in them?  
9 A. Correct.  
10 Q. I will get this by the end of the day.  
11 Okay. Ms. Oliver and Ms. Wald report  
12 directly to you?  
13 A. Yes.  
14 Q. And you report directly to Mr. Kubow, okay.  
15 Compensation, is that -- are those policies policies  
16 that come out of the Organizational Effectiveness and  
17 Employee Relations Department, or is there a separate  
18 Compensation Department?  
19 A. There's a separate Compensation Department.  
20 Q. And who's the head of that?  
21 A. Sure. Mike Blickhahn.  
22 Q. So Compensation is coming from Human Resources and  
23 Shared Services?  
24 A. And Shared Services, correct.  
25 Q. And the policies on compensation that come from that

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1 department and from Mr. Blickhahn -- Blickhahn?  
2 A. Blickhahn.  
3 Q. -- Blickhahn apply hospital-wide, correct?  
4 A. Hospital-wide, correct.  
5 Q. To all CNAs and all housekeepers?  
6 A. Yes. There's also policies that come from  
7 Compensation, Payroll.  
8 Q. Okay. Is that under Mr. Blickhahn as well, or is  
9 that a separate department?  
10 A. That is a separate department.  
11 Q. Okay. Where is that one on my chart?  
12 I have to say, this is a very impressive  
13 set of organizational charts. I had them all laid  
14 out on my desk at one point to try and sort through.  
15 A. The Chief Financial Officer, Ronald Farr on the  
16 first -- second page is responsible for compensation.  
17 Well, I take that back. Compensation, evaluation of  
18 rates and such, are determined by the comp -- the HR  
19 Department.  
20 Q. Okay.  
21 A. But some policies that relate to how one is  
22 compensated, on-call or other things, it's in  
23 collaboration with that department and Payroll and  
24 HR.  
25 Q. Okay. And the CFO, Mr. Farr, would be the one that

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1 oversaw and instituted those particular policies in  
2 conjunction with HR?  
3 A. I believe I can fairly say that, yes.  
4 Q. Okay.  
5 A. He is very new in the organization. He's only been  
6 with us two months.  
7 Q. So let's just say, Mr. Farr or who was ever in that  
8 capacity prior to him; is that correct?  
9 A. Yes.  
10 Q. And I know I'm kind of being vague. I'm actually  
11 going to get into some real policies, and we can talk  
12 about where those came from. I am just trying to get  
13 an understanding of who reports to who.  
14 A. Okay.  
15 Q. So in a roundabout way, I'm going to come back full  
16 circle.  
17 You had a discussion with Ms. Wald in  
18 preparation for this deposition. Did you have a  
19 discussion with Ms. Oliver?  
20 A. Yes.  
21 Q. Okay. So what kind of things did you discuss with  
22 Ms. Oliver?  
23 A. Just wanting to understand the area that she supports  
24 and if she had any -- if any employees have ever come  
25 forward to her related to issues about pay.

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1 Q. And what did she say when you asked her about that?  
2 A. She did not have anyone come forward regarding pay.  
3 Q. Okay. And did you talk about anything else?  
4 A. Nope. Just what we needed to prepare for the case.  
5 Q. Okay. And similar conversations with Ms. Wald?  
6 A. Yes.  
7 Q. Other than those two, did you talk to anybody else?  
8 A. Other than the attorney --  
9 Q. Nope, don't want to hear about that.  
10 A. I did not.  
11 Q. Okay. I just had a thought. So you reviewed some  
12 documents. You had a couple discussions. Did you do  
13 anything else to prepare for today's deposition?  
14 A. Other than review the employees' file.  
15 Q. Whose file?  
16 A. Ms. Nunez and Evangelina. I can't pronounce her last  
17 name.  
18 Q. Ms. Aguilera?  
19 A. Sure.  
20 Q. And that's all?  
21 A. That's all.  
22 MS. MURSHID: So in the context of  
23 litigation obviously, we've asked for some  
24 documents, and your attorneys have produced them.  
25 The -- in conjunction with those, they've responded

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1 to our written requests and given us some answers,  
2 so I just want to show those to you. And I think  
3 you've signed some of them, so I just want to  
4 confirm that --  
5 THE WITNESS: Okay.  
6 MS. MURSHID: -- you kind of went through  
7 those and you understood what we were asking for.  
8 (Exhibit 31 marked for identification.)  
9 BY MS. MURSHID:  
10 Q. Okay. I'm showing you what's been marked Exhibit 31.  
11 This is the defendant's responses to our first set of  
12 interrogatories. Do you recognize this document?  
13 A. I do.  
14 Q. And on the second to last page, is that your  
15 signature?  
16 A. Yes, it is.  
17 Q. And did you assist your attorneys in preparing this  
18 document?  
19 A. Yes.  
20 Q. In providing responses to this document, did you talk  
21 to anybody?  
22 A. Referred to the policies.  
23 Q. Okay. So you -- you referred to the policies and  
24 provided that information to your attorneys?  
25 A. Correct.



Page 30	Page 32
<p>1 Q. You don't recall any specific discussions in prep -- 2 in preparing this document? 3 A. Other than understanding from Lisa how the department 4 logs and on the edit log for time recordkeeping. 5 Q. Okay. 6 A. And how the Epic system works. 7 Q. Uh-huh. 8 A. And -- and the policies. Basically that's it. 9 Q. Okay. So you worked with Ms. Wald then to respond to 10 these? 11 A. Correct. 12 Q. Okay. 13 A. Correct. 14 (Exhibit 32 marked for identification.) 15 BY MS. MURSHID: 16 Q. Okay. Do you recognize this document? 17 A. I do. 18 Q. Okay. It's the response to our second set of 19 interrogatories. Is your signature on the second to 20 last page? 21 A. Yes. 22 Q. And you worked with your attorneys to respond to 23 these as well? 24 A. Yes. Along with Sue. 25 Q. With Sue, okay.</p>	<p>1 and CNAs? 2 A. It is. 3 Q. Who provides the orientation? 4 A. Multitude of people. HR is ultimately responsible 5 for the first day of orientation. Regulatory, 6 Safety, Benefits and Compensation, Total Rewards are 7 just to name a few. 8 Q. Okay. 9 A. It's a full day of orientation that every new 10 employee goes through as part of their integration to 11 the organization. 12 Q. Is attendance mandatory? 13 A. Yes. 14 Q. And are there documents provided at that orientation 15 to housekeepers and CNAs and all employees? 16 A. They complete I-9s. 17 Q. Okay. 18 A. They complete information to create their password 19 for the system just basically to get them into -- get 20 them access to the system once they get into the 21 department. 22 Q. Other than those documents, is there, like, an 23 orientation packet that's provided? 24 A. There is no -- there's a small packet that would 25 include some information.</p>
Page 31	Page 33
<p>1 A. Yes. 2 Q. So this was information that we asked for 3 specifically about CNAs, correct? 4 A. Correct. 5 Q. And you had conversations with her similar to those 6 that you had with Ms. Wald? 7 A. Correct. 8 Q. To investigate our questions and provide responses? 9 A. Yes. 10 Q. And do you feel like the information provided in 11 these two documents accurately reflects the 12 information that you learned from Ms. Wald and 13 Ms. Oliver? 14 A. Yes. 15 Q. Thank you. Does Waukesha Memorial provide an 16 orientation when new employees start? 17 A. Yes. 18 Q. And is that orientation provided for new 19 housekeepers? 20 A. For all hires. 21 Q. Okay. 22 A. Including new housekeepers. 23 Q. And including CNAs? 24 A. Yes. 25 Q. Okay. Is it the same orientation for housekeepers</p>	<p>1 Q. Okay. 2 A. I don't recall exactly what's in the packet. 3 Q. Let me -- I'll do this. The attorneys have produced 4 what they've identified as this packet. 5 A. Okay. 6 MS. MURSHID: And so maybe we can kind of 7 talk about that and make sure that I'm understanding 8 it. 9 (Exhibit 33 marked for identification.) 10 BY MS. MURSHID: 11 Q. So this thick document is pages WMH000147 through 12 -219. Make sure everybody's copy is correct. 13 A. Uh-huh. 14 Q. And in our -- in the responses that the attorneys 15 provided to our requests for production, this is 16 identified as the orientation provided -- the 17 orientation packet provided to new employees upon 18 hire. Do you have any reason to believe that that 19 designation is incorrect? 20 A. No. 21 Q. Okay. So this would be the packet that's provided to 22 all CNAs and all housekeepers? 23 A. All employees, correct. 24 Q. All employees, okay. Is the information that's 25 contained in this packet applicable to all CNAs and</p>

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1 all housekeepers?  
2 A. Yes.  
3 Q. So any policies and procedures that are contained in  
4 here, it's expected that housekeepers and CNAs would  
5 follow those, correct?  
6 A. Correct.  
7 Q. Who created these documents? Or who puts this packet  
8 together I guess is probably an easier question?  
9 A. Multiple departments. So if it's -- HR requires  
10 certain personal data information, so those forms may  
11 come from HR, and policies would be included from HR.  
12 Some of the other documents may come from the various  
13 different areas that present. So, for example, IT  
14 might have some different policies or procedures that  
15 they want to include in here. Regulatory might have  
16 certain things that might be included in here.  
17 Q. Okay. HR compiles this document, though, is that  
18 correct?  
19 A. Yes.  
20 Q. Is there one person who gives the orientation from HR  
21 every time, or does it kind of rotate?  
22 A. It rotates within -- with two different people that  
23 actually help facilitate it.  
24 Q. Okay.  
25 A. But again, it's basically an introduction and making

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1 sure that everyone is there, everyone gets their ID  
2 badge, and the whole day runs smoothly.  
3 Q. Okay. So at that orientation, everybody gets an ID  
4 badge?  
5 A. Yes.  
6 Q. Is that to access the hospital?  
7 A. It's to access the hospital and in addition to  
8 swiping in and out.  
9 Q. Okay. And when you say swiping in and out, do you  
10 mean in and out, to punch in and punch out?  
11 A. Correct.  
12 Q. Okay. And that's using the Kronos system?  
13 A. Correct.  
14 Q. Okay. Everybody gets the same ID badge?  
15 A. There are slight differences. It depends on whether  
16 one is a contractor, it may have a different color.  
17 Q. Okay.  
18 A. But for the most part, they all look the same.  
19 Q. So let me ask this question. Sorry, that one was  
20 kind of vague. All housekeepers get the same ID  
21 badge with their own picture on it?  
22 A. Yes.  
23 Q. Okay.  
24 A. All employees do.  
25 Q. And all CNAs get the same ID badge?

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1 A. Correct.  
2 Q. Okay. All employees, including all CNAs and  
3 housekeepers, are expected to use the Kronos  
4 system --  
5 A. Correct.  
6 Q. -- to punch in and out of work?  
7 A. Correct.  
8 Q. Okay. And the ID badge, does it do anything else?  
9 A. You can use it to buy your lunch.  
10 Q. Okay.  
11 A. If one sets it up that way.  
12 Q. Okay. Can you turn to page -155, for me.  
13 A. Yes.  
14 Q. This looks like it's the Kronos part of the  
15 orientation; is that accurate?  
16 A. Yes.  
17 Q. Okay. And so there's a series of what appears to be  
18 screen shots?  
19 A. Correct.  
20 Q. Is this something that everybody goes over in the  
21 orientation?  
22 A. Yes.  
23 Q. Okay. And so what is -- I guess what is this showing  
24 me?  
25 A. It gives instructions to an employee how to access

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1 Kronos Navigator.  
2 Q. Okay.  
3 A. Which Kronos Navigator is something on the intranet  
4 or I-Net that a person would click on to to enter the  
5 hours they have worked.  
6 Q. Okay. So help me understand that because we talked  
7 about they swiped in and out for work. So what would  
8 be the reason that someone would need to go onto the  
9 I-Net and manually enter the hours that they work?  
10 A. If they wanted to approve -- they need to approve  
11 their timecards.  
12 Q. Okay. What do you mean?  
13 A. Well, maybe I misspeak because for exempt employees  
14 my staff logs in, puts in their hours, and at the end  
15 of the pay period I approve them to make sure it's  
16 accurate.  
17 Q. Okay. So let me ask this. Let's back up a minute.  
18 Are CNAs hourly employees?  
19 A. They are.  
20 Q. And they're nonexempt for FLSA purposes?  
21 A. Correct.  
22 Q. And housekeepers are also hourly employees?  
23 A. Yes.  
24 Q. Also nonexempt?  
25 A. Correct.

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1 Q. Okay. So -- so do you have any specific information  
2 that housekeepers or CNAs are required to go in and  
3 manually enter their time?  
4 A. I do not.  
5 Q. Okay. So as far as you know, housekeepers and CNAs  
6 swipe in with their Kronos badge -- sorry -- with  
7 their badge in Kronos when they arrived in the  
8 morning?  
9 A. Correct.  
10 Q. To punch in?  
11 A. And punch out.  
12 Q. And at the end of the day, they punch out using their  
13 badge?  
14 A. Correct. If there's any editing that needs to be  
15 done to their timesheet, then there is a manual edit  
16 log that they note, and then the editor who's  
17 assigned to edit their timesheets like this would be  
18 the one that would edit it for them.  
19 Q. Okay. So the editor -- and who would that be for  
20 housekeepers?  
21 A. I don't know who the person is, but there is a person  
22 assigned within the department for housekeepers as  
23 well as I'm certain for CNAs that is identified as an  
24 editor of the time record.  
25 Q. Okay.

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1 A. And again, it's vaguely different, but if it needs to  
2 be edited, they only edit it if they are aware that  
3 there's a discrepancy.  
4 Q. I understand. And I got copies of the manual edit  
5 log, so we'll walk through those a little bit, too.  
6 A. Okay.  
7 Q. Okay. So on page -150, if you can go to that for me.  
8 This is page -150 through -152 it looks like. It's  
9 the organizational orientation checklist, correct?  
10 A. Yes.  
11 Q. And is this something that applies to all employees,  
12 including CNAs and housekeepers?  
13 A. Yes.  
14 Q. Okay. And all employees, including CNAs and  
15 housekeepers, are provided with the information that  
16 is listed in this orientation checklist?  
17 A. That is correct.  
18 Q. And they're trained on that as well?  
19 A. They are trained on all that's required in here,  
20 absolutely.  
21 Q. Okay. And there's an expectation that they'll follow  
22 the policies and procedures as they're trained on  
23 them --  
24 A. Yes.  
25 Q. -- in this document?

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1 A. Yes.  
2 Q. And are they subject to discipline if they don't?  
3 A. They're subject to coaching first before discipline  
4 would occur.  
5 Q. Okay. So -- but there is -- would you call it a  
6 progressive discipline system if they don't follow  
7 these policies and procedures?  
8 A. Yes.  
9 Q. Okay. And everything we just talked about applies to  
10 CNAs and housekeepers, correct?  
11 A. Yes.  
12 Q. So is this -- I guess is this document edited from  
13 time to time, this packet, as policies and procedures  
14 change?  
15 A. As policies and procedures would change, that would  
16 be updated in here.  
17 Q. Okay. And who would be responsible for updating that  
18 information?  
19 A. Whoever was the person that made the edits to the  
20 document. HR puts the packets in place or makes  
21 certain that it's on the annual required training.  
22 Lots of training is done by computer-based learning,  
23 so then it's updated on the computer-based training  
24 that one has to go through if there's a change.  
25 Q. That was going to be my next question. So in the

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1 event something changes and, say, you're a current  
2 employee, you've already gone through the  
3 orientation, current employees would be notified of  
4 the change by going through this annual learning?  
5 A. Correct.  
6 Q. Okay.  
7 A. There's an annual required regulatory training or  
8 policy training that takes place every year the month  
9 of January and February and must be completed by  
10 February 28th of each year by all employees.  
11 Q. All employees?  
12 A. Including exempt.  
13 Q. Okay. Including housekeepers and CNAs?  
14 A. Including housekeeping and CNAs.  
15 Q. Okay. And so any changes to policies or updates to  
16 policies are included in that annual training?  
17 A. Yes, it would be.  
18 Q. Okay. I think we're done with that. So there's this  
19 packet that's distributed, and then I think there's a  
20 PowerPoint presentation at the orientation; is that  
21 correct?  
22 A. Yes. Much of this is PowerPoint presentation.  
23 Q. Okay.  
24 A. Not all, but lots of this is also in a PowerPoint.  
25 Q. Okay.

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1 A. It's also in the computer-based learning.  
2 (Exhibit 34 marked for identification.)  
3 BY MS. MURSHID:  
4 Q. Okay. Now your attorneys were kind enough to provide  
5 us with not only the PowerPoint but about 15  
6 different revised versions of it. So about 1,200  
7 documents, which was fine. And some of the revisions  
8 were minor, some of them were, you know, not so  
9 minor. This is -- obviously on the first page it's  
10 Monday, January 6, 2014. It's the most recent  
11 version of the PowerPoint that was provided to us.  
12 A. Correct.  
13 Q. Okay. How often is the orientation held?  
14 A. How often is it updated?  
15 Q. Is it held? I'm sorry. How often is an orientation  
16 held?  
17 A. It's held -- it varies, but it's held regularly.  
18 About once every three weeks.  
19 Q. Okay.  
20 A. But it depends on how many people are hired. If  
21 there are a small number of people hired, then we  
22 would skip an orientation and then combine it with  
23 the next orientation so that there's a sufficient  
24 number of employees to spend a whole day with a  
25 number of presenters --

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1 Q. Sure.  
2 A. -- in orientation.  
3 Q. Okay. So this PowerPoint is updated regularly, I  
4 gather? Or as needed?  
5 A. As needed.  
6 Q. Okay. And the information that's contained in this  
7 PowerPoint and conveyed to employees during the  
8 orientation applies to all housekeepers?  
9 A. Uh-huh. Yes.  
10 Q. And to all CNAs?  
11 A. Yes.  
12 Q. Okay.  
13 A. If I may point out.  
14 Q. Sure.  
15 A. The date on here, every new orientation, the date  
16 changes. The content may remain, but just know that  
17 we don't want to put up something that's January for  
18 April orientation. So we change the date.  
19 Q. Okay.  
20 A. But the content doesn't change.  
21 Q. Okay. Now I see on this first page there's a -- sort  
22 of like the PowerPoint screen shot it looks like.  
23 A. Yes.  
24 Q. And then there's sort of notes at the bottom?  
25 A. Yes.

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1 Q. Do you know what those are?  
2 A. Speaker's notes.  
3 Q. Speaker's notes?  
4 A. Yes.  
5 Q. So whoever was doing this presentation would have  
6 entered those notes?  
7 A. Correct.  
8 Q. And would presumably then be saying them verbally?  
9 A. Correct.  
10 Q. Okay. Do you happen to know who did this  
11 orientation?  
12 A. On that particular day?  
13 Q. Uh-huh. Would there be any way for me to know who  
14 facilitated that? So if you look at page -1127, your  
15 name is here. So I can see that you probably were  
16 responsible?  
17 A. I was doing the welcome.  
18 Q. Okay.  
19 A. And I was responsible for that portion of the  
20 orientation.  
21 Q. Okay.  
22 A. There are different people that are responsible for  
23 different portions. The facilitator that does the  
24 welcome and the good morning --  
25 Q. Uh-huh.

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1 A. -- and the logistics, it's the two generalists that  
2 rotate, HR.  
3 Q. And who are those people again, I forget?  
4 A. Amy Rude. I did got give them to you before.  
5 Q. Amy. And spell the last name.  
6 A. R-U-D-E.  
7 Q. Okay.  
8 A. Or -- I forget her name. Not Allison. I'm sorry, I  
9 can't remember her name.  
10 Q. That's okay.  
11 A. She's in a different department. She's not in my  
12 department.  
13 Q. So one of these two people facilitate the  
14 orientation?  
15 A. Yes.  
16 Q. Okay.  
17 A. Typically Amy does 90 percent of them.  
18 Q. Okay. And Amy reports to you?  
19 A. Yes. I'm going to look on the org chart so I can  
20 remember her name because I'm just drawing a blank.  
21 MS. MURSHID: Okay.  
22 MR. LIED: Is there a copy for me?  
23 MS. MURSHID: Of course. Sorry.  
24 THE WITNESS: Oh, it's not that detailed.  
25 I can't remember her name. I'm sorry.



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1 MS. MURSHID: No problem.  
2 BY MS. MURSHID:  
3 Q. Does each person -- so, for instance, you did the  
4 welcome?  
5 A. Yes.  
6 Q. Did you create the PowerPoint for that welcome, or  
7 did somebody else create it?  
8 A. It was created for me.  
9 Q. Okay.  
10 A. The same welcome is used by every chief person that  
11 comes and presents.  
12 Q. Okay.  
13 A. So whether it's me presenting it or whether it's Phil  
14 Kubow presenting it or whether it's one of the other  
15 chiefs, they would use the same presentation. The  
16 only thing that would change, again, is the name on  
17 the front and the title. And that goes really for  
18 all other presentations that are within this  
19 document. Usually -- I mean, within these  
20 presentations. So there are -- again, this whole --  
21 there are several people that deliver this message.  
22 So if we get to a certain --  
23 Q. So if you look at -1171.  
24 A. Okay. Correct.  
25 Q. Okay.

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1 A. And it would be Nicole.  
2 Q. And her job title is manager Total Rewards?  
3 A. Correct. And in some cases it isn't she that does  
4 it, it may be one of her designees that would be  
5 delivering the same message.  
6 Q. Same PowerPoint every time?  
7 A. Same PowerPoint.  
8 Q. Okay.  
9 A. Unless it's edited for changes.  
10 Q. Okay. But the same information is conveyed to every  
11 housekeeper and every CNA and every employee?  
12 A. Yes.  
13 Q. Okay.  
14 A. Yes.  
15 Q. Just who does it and the date and then any updates  
16 are changed?  
17 A. Correct.  
18 Q. Okay.  
19 A. Correct.  
20 Q. Total Rewards, I know you mentioned it, but I don't  
21 know if we talked about where that fits on the  
22 orientation.  
23 A. It fits in HR.  
24 Q. Okay.  
25 A. If you recall, Total Rewards reports to Mike

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1 Blickhahn.  
2 Q. Thank you.  
3 A. And Mike Blickhahn has the manager Nicole who reports  
4 to him.  
5 Q. I understand.  
6 A. Okay.  
7 Q. Okay. I want to -- what I did was I pulled a series  
8 of specific slides that came from here over time, so  
9 we can just talk about how it looks.  
10 A. Sure.  
11 Q. Other than the new orientation packet that we talked  
12 about and the information contained in this  
13 PowerPoint presentation, and the I-9s and sort of  
14 start of employment documents that are provided, are  
15 there any other documents provided to new employees?  
16 A. There may be once they get into the department.  
17 Q. Okay.  
18 A. But I do not know what that would be necessarily.  
19 There may be some department-specific requirements  
20 that the department manager would go through with the  
21 employee and give them additional documentation.  
22 This is basically the first day on the job.  
23 Q. Okay. So the department-specific documents for  
24 Environmental Services, does HR draft those or work  
25 with Environmental Services to produce those?

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1 A. No.  
2 Q. No. So the department may have its own documents  
3 that are provided --  
4 A. Correct.  
5 Q. -- that HR has never seen?  
6 A. I can't say that they've never seen. I can't speak  
7 to it. I have never seen.  
8 Q. Okay. That's fair enough. So other than what we  
9 have talked about today and the possibility that  
10 there may be department-specific documents, are you  
11 aware of any other documents provided to employees  
12 when they start?  
13 A. No, I'm not other than I don't see a copy of the  
14 employee assistance brochure, but there is a brochure  
15 that employees get on the EAP program.  
16 Q. Okay.  
17 A. So that may be in here.  
18 Q. Okay.  
19 A. But -- because it's a copy, but it would be a  
20 brochure.  
21 MS. MURSHID: Okay, okay. I'm going to  
22 call this one exhibit. It's several stuck together.  
23 (Exhibit 35 marked for identification.)  
24 BY MS. MURSHID:  
25 Q. Okay. So I'm going to represent to you that what I



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1 did was I pulled the Kronos-specific PowerPoints from  
2 each of the revised slideshows that was provided to  
3 us from defense counsel. Do these look kind of  
4 familiar?  
5 A. Yes.  
6 Q. Okay. So the first stapled document, it's -389 and  
7 -390. It looks to be the excerpted Kronos slides.  
8 There's no talking points on the bottom, so  
9 presumably whoever was doing this didn't need them or  
10 didn't include them?  
11 A. Correct. It's pretty self-explanatory, so probably  
12 didn't need it.  
13 Q. Okay, okay. If I wanted to know the date of when  
14 this particular set of slides was presented, I would  
15 just look on the first page of that slideshow; is  
16 that right, and it would probably have the date on  
17 there?  
18 A. Yes.  
19 Q. Okay.  
20 A. Yes.  
21 Q. Okay. So then if you go to the second set, it looks  
22 like somebody changed the picture from one to the  
23 next --  
24 A. Uh-huh.  
25 Q. -- and maybe changed the background, right?

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1 A. Uh-huh.  
2 Q. But it seems that the information contained on the  
3 first page is the same?  
4 A. Yes.  
5 Q. What is the Lawson Payroll System?  
6 A. Lawson is our HRIS system that houses employee data.  
7 And Kronos, which would be this time clock where  
8 people swipe at, feeds to Lawson so people are  
9 appropriately paid.  
10 Q. Okay. So Kronos is the time recording system?  
11 A. Yes.  
12 Q. And it works with the Lawson system --  
13 A. Yes.  
14 Q. -- to tell the Lawson system how many hours people  
15 worked, and then Lawson pays people, or somebody uses  
16 Lawson to pay people?  
17 A. Correct.  
18 Q. Same for all housekeepers?  
19 A. Yes.  
20 Q. Same for all CNAs?  
21 A. Yes.  
22 Q. Okay. So we've changed the picture on these first  
23 two pages, and then on the second page it looks like  
24 there is a slight change. The last power -- the  
25 last, I guess, bullet point one says, please refer to

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1 your packet, and the other says, please see the  
2 payroll schedule in your folder. That's about the  
3 same.  
4 A. Uh-huh.  
5 Q. And then the difference here is that somebody  
6 included what looks to be a note that says, the  
7 employee is responsible to swipe in and out. There  
8 are edit logs available if you miss a swipe; is that  
9 correct?  
10 A. Yes, yes.  
11 Q. Okay. So does that reflect a policy change?  
12 A. No.  
13 Q. Or --  
14 A. The way I see it, it's somebody's notes.  
15 Q. Okay.  
16 A. It may have been somebody different doing the  
17 presentation who felt more comfortable with notes.  
18 Q. Okay, okay. How long has Kronos been used for  
19 housekeepers and CNAs?  
20 A. I believe Kronos has been in place for a long time.  
21 I don't know the exact date.  
22 Q. Prior to 2010?  
23 A. Yes.  
24 Q. Okay. How long was Lawson been in place?  
25 A. Again, prior to 2010.

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1 Q. Okay. And the edit logs that you're referencing, are  
2 those the manual edit logs that you mentioned  
3 earlier?  
4 A. Yes.  
5 Q. Other than those manual edit logs, could this be  
6 referring to anything else?  
7 A. Not that I'm aware of, no.  
8 Q. At this time in the training, is that where people  
9 are sort of instructed on how to use the manual edit  
10 logs?  
11 A. They are instructed on how to use the recordkeeping.  
12 Q. What do you mean, the recordkeeping?  
13 A. Which means how to swipe in and out.  
14 Q. Uh-huh.  
15 A. And which clocks to use.  
16 Q. Okay.  
17 A. And there -- it's discussed how they are paid and how  
18 they are to record their time and talks about the  
19 manual edit as well.  
20 Q. Okay.  
21 A. So it's mentioned.  
22 Q. So the person doing this portion of the orientation  
23 would be instructing the employees how to use the  
24 manual edit log?  
25 A. It would -- the individual would tell them there are

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1 manual edit logs in the department and how to record  
2 a discrepancy.  
3 Q. Okay. All CNAs, all housekeepers?  
4 A. Yes.  
5 Q. Okay. Then if we go to -1032 and -1033, doesn't  
6 appear to be any change other than the background and  
7 the talking points are the same, right --  
8 A. Yep.  
9 Q. -- if I'm reading it right?  
10 Okay. Then the last one, this is the  
11 January 2014 one, -1236, -1237. There are a lot more  
12 talking points on this one. Do you know why that  
13 might be the case?  
14 A. I do not.  
15 Q. Okay. Do you know who did this portion of the  
16 presentation?  
17 A. Someone from payroll, but I do not know.  
18 Q. Okay. So actually I think it was Nicole because it  
19 was from this most recent. So does this make sense,  
20 that's something Nicole would be going over?  
21 A. Okay. Yes, it does.  
22 Q. Okay. So presumably then she provided all of this  
23 information in her talking points verbally, right?  
24 A. Correct.  
25 MS. MURSHID: Okay.

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1 MR. LIED: Should we put Nicole's last  
2 name on?  
3 MS. MURSHID: Yes.  
4 BY MS. MURSHID:  
5 Q. Berlowski?  
6 A. Berlowski, B-E-R-L-O-W-S-K-I.  
7 Q. I think we said previously she's the Total Rewards  
8 manager?  
9 A. Correct.  
10 Q. And she reports directly to Mike --  
11 A. Blickhahn.  
12 Q. -- Blickhahn?  
13 A. Correct.  
14 Q. You didn't instruct her to add this additional  
15 information?  
16 A. I did not.  
17 Q. Okay. But all CNAs and all housekeepers would be  
18 responsible for complying with the information that's  
19 on the PowerPoint as well as that which is conveyed  
20 verbally?  
21 A. That is correct.  
22 MR. LIED: Off the record a second.  
23 (Break taken from 11:06 a.m. to 11:16 a.m.)  
24 BY MS. MURSHID:  
25 Q. Okay. Just to come full circle, we talked about

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1 Kronos and Lawson being in place since 2010. They're  
2 currently in place for all housekeepers and all CNAs;  
3 is that correct?  
4 A. That is correct.  
5 Q. And I think we talked about this, but the same  
6 process for CNAs and housekeepers, they get a badge  
7 on the orientation, and then they use that to swipe  
8 into Kronos time stations that are located at various  
9 places throughout the hospital; is that correct?  
10 A. Yes.  
11 Q. And then they use that same badge as required by the  
12 hospital to punch out at whatever Kronos station is  
13 near them?  
14 A. Correct.  
15 Q. And then if there's a change, they use the manual  
16 edit log?  
17 A. Correct.  
18 Q. Same for housekeepers and CNAs?  
19 A. Yes.  
20 Q. Okay. Lawson I think you said tracks the -- it's  
21 the internal HR system. So in addition to working  
22 with Kronos on the time, I guess, is it -- is it also  
23 the payroll system? Is it also the system that's  
24 used to issue checks?  
25 A. Lawson, yes.

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1 Q. Okay.  
2 A. Yes.  
3 Q. What other kinds of information is contained on  
4 Lawson?  
5 A. Employee data, address, phone number, positions they  
6 have held, pay rate.  
7 Q. Pay rate, okay.  
8 A. Salary histories.  
9 Q. For CNAs and housekeepers and all other employees?  
10 A. And all others, correct.  
11 Q. And that system is managed by whom? I guess by which  
12 department?  
13 A. IT.  
14 Q. Okay. Who puts the data into that system? Not  
15 the -- not the data that's pulled from Kronos, but  
16 the other information, who puts that data in there?  
17 A. Total Rewards. So when a new person is hired, all  
18 their employee data sheets that they complete in  
19 orientation goes to Total Rewards, and they enter the  
20 data. However, the employees have access to a  
21 self-service portal, which is where they could update  
22 information as it relates to their benefits and such.  
23 Q. Okay.  
24 A. So it's separate from it because there's a  
25 self-service benefits support.

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<p>1 Q. Okay. So Total Rewards under Mike Blickhahn inputs 2 the initial data? 3 A. Yes. 4 Q. Okay. And subsequent changes in pay or positions? 5 A. Correct. 6 Q. For all CNAs and all housekeepers? 7 A. Correct. Any changes that would occur after a 8 person's employed to an employee status, it starts 9 with their manager. 10 Q. Okay. 11 A. Who then completes the appropriate form to submit to 12 Total Rewards, who then enters it into the system. 13 Q. Okay. Same procedure for all employees though? 14 A. Yes. 15 Q. And then there's the sort of self-service portion of 16 Lawson that employees can access on the intranet? 17 A. For tracking purposes, yes. And they can see their 18 check stub if they wish to see it. 19 Q. And they're trained on how to access that at 20 orientation? 21 A. They are shown how to access it, yes. 22 Q. Okay. 23 A. It's on the I-Net, and I-Net is really the way to 24 communicate to employees realtime -- 25 Q. Uh-huh.</p>	<p>1 bottom. I'm assuming those are revised periodically, 2 and the date at the bottom reflects the date they're 3 revised? 4 A. Annually we look at the forms or policies. Well, 5 actually policies are usually revised every two to 6 three years unless there is a major change required 7 by law. As far as forms, our HR team reviews forms, 8 and if it needs an update, they're the ones that 9 would recommend an update, and we would post it and 10 put it into place, and that's communicated to 11 managers as well as employees. 12 Q. So that orientation checklist is an HR form? 13 A. Yes. 14 Q. So any changes on that would have come directly from 15 the HR Department to the manager? 16 A. Yes. 17 Q. Okay. And then the expectation was that the manager 18 would communicate those changes from HR? 19 A. Correct. 20 Q. Okay. Same for all housekeepers and all CNAs? 21 A. Yes. It is the manager's responsibility to make 22 certain that whatever is on that form, that they're 23 responsible to train the employee once they're in 24 their department that they do so. 25 Q. Okay. Any way to make sure that the managers do</p>
Page 59	Page 61
<p>1 A. -- what's going on within the organization, and 2 there's links to the computer-based learning, 3 policies, new communication. Everything that we 4 need -- that an employee needs is accessed through 5 the I-Net. 6 Q. And that system is managed technically by IT, but 7 then the dissemination of information through that 8 system comes from Total Rewards? 9 A. For certain pages within it. 10 Q. Okay. 11 A. Who -- if there are changes to comp, then it would 12 come from Total Rewards. If there are policy 13 changes -- if it's an HR policy change, it would be 14 updated by HR. Although there's a policy committee 15 that actually posted it on the I-Net, which is 16 outside of HR. 17 Q. Okay. So all of this is to say, though, that the 18 information is communicated in the same way to all 19 housekeepers and all CNAs and all employees? 20 A. Yes. 21 Q. Okay. We talked a little bit about the orientation 22 checklists. 23 A. Yes. 24 Q. Those -- your -- well, defense counsel submitted a 25 few different versions with a revised date at the</p>	<p>1 that? I am assuming that's their job duties? 2 A. They have to submit that within 30 days to the HR 3 file. 4 Q. Oh, that's excellent. Manager gets the form. They 5 have 30 days to go through all those policies and 6 procedures with the employee, and then they're 7 required to submit it to the employee's HR file? 8 A. Correct. 9 Q. All housekeepers, all CNAs? 10 A. Yes. And correct me. I hope it's 30 days and not 11 60. 12 Q. Okay. 13 A. I can't recall, but it's either 30 or 60. 14 Q. That's fine. It's enough for our purposes that 15 that -- the check on the managers is that they have 16 submitted it back to HR? 17 A. Yes. 18 Q. And they have to initial where they've gone over the 19 policy with the employee? 20 A. Yes. I believe even the employee signs off on that 21 at the end. 22 Q. Okay. 23 A. I think it was in the -- 24 Q. It's in this big guy. Not that big guy. 25 A. It was in the packet that the employees get, the</p>

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1 orientation checklist. Employee signs, the leader  
2 signs, and the reviewer signs. So whoever gets it  
3 back into HR would be the, I assume, reviewer.  
4 MS. MURSHID: Okay.  
5 MR. LIED: And so the record's clear, you  
6 were looking at the document designated WMH -152?  
7 THE WITNESS: Yes. Sorry.  
8 MR. LIED: That's fine.  
9 MS. MURSHID: That's the one I'm looking  
10 at as well.  
11 BY MS. MURSHID:  
12 Q. Okay. So then HR knows that every housekeeper and  
13 every CNA has been trained accordingly?  
14 A. Correct.  
15 Q. And are managers trained by HR on how to use this  
16 form and implement it and train their employees on  
17 it?  
18 A. Yes. There's a newly -- there's a leader  
19 orientation.  
20 Q. Okay. Run by HR?  
21 A. Correct. Facilitated by many.  
22 Q. Okay.  
23 A. But organized and ensure that leaders are aware of  
24 what their responsibilities are.  
25 Q. Okay. This is what's been previously marked as

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1 Exhibit 13. Can you take a look at that for me.  
2 MS. MURSHID: Do you need a copy, Mike?  
3 MR. LIED: No.  
4 MS. MURSHID: Okay.  
5 BY MS. MURSHID:  
6 Q. Do you recognize this document?  
7 A. I do. It's the compensation policy.  
8 Q. Okay. And do you have -115 through -122?  
9 A. I do.  
10 Q. All righty. And I see that the date on the top --  
11 well, it came from the HR Department, right?  
12 A. Yes.  
13 Q. And the effective date was July 12, 2009?  
14 A. Correct.  
15 Q. It was reviewed in 2009, and this is -- I don't have  
16 another one, so I'm assuming then that this is the  
17 most current version; is that correct?  
18 A. This is the most current version.  
19 Q. Okay.  
20 A. There is one in draft format.  
21 Q. Okay. But this is --  
22 A. Because it's due to review, but it isn't finalized.  
23 Q. Okay.  
24 A. I don't think there's much changes in it, but I  
25 haven't seen it.

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1 Q. This policy applies to all CNAs?  
2 A. All CNAs, all employees.  
3 Q. Okay. Applies to all housekeepers?  
4 A. And housekeepers.  
5 Q. Okay. And I just want to kind of walk through a  
6 couple of these. If you flip to page -120 for me,  
7 and sort of globally I guess again, then all CNAs and  
8 housekeepers and all employees are expected to comply  
9 with this policy?  
10 A. Yes.  
11 Q. So -120 we talked about housekeepers and CNAs being  
12 exempt and hourly?  
13 A. Yes.  
14 Q. And that is covered in this policy, which comes from  
15 HR, correct?  
16 A. Yes.  
17 Q. And let's go to -121. This is the overtime pay for  
18 nonexempt employees. Housekeepers and CNAs are both  
19 nonexempt we talked about?  
20 A. That's correct.  
21 Q. And so they are -- well, I guess, you know, are  
22 housekeepers on -- are they covered by I guess 5(b)  
23 of this section, which is 0/40?  
24 A. Yes.  
25 Q. So they're paid overtime if they work more than 40

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1 hours?  
2 A. Per week, correct.  
3 Q. Okay. And the same question then for CNAs, are they  
4 on 0/40?  
5 A. Yes.  
6 Q. Paid overtime if they work more than 40 hours a week?  
7 A. Correct.  
8 Q. Let's go to the last page, and you see at the bottom  
9 there's it looks like maybe internal notes. I'm not  
10 sure. There's something that says procedure and then  
11 there's an N/A. I'm assuming that's for not  
12 applicable?  
13 A. Yes.  
14 Q. What is that? What is that section of the document?  
15 A. I wouldn't -- I don't know.  
16 Q. Okay. That's not applicable?  
17 A. Not applicable.  
18 Q. Okay. Same question for reference, do you know what  
19 that would be about?  
20 A. It may -- normally -- sometimes there are policies  
21 that are referenced that it would connect to.  
22 Q. Okay.  
23 A. And in this particular case, it's not applicable.  
24 Q. Okay, okay. And then it says owned by Mary Polaris,  
25 HR Business Partner. Is that a person that's



<p style="text-align: right;">Page 66</p> <p>1 currently employed?</p> <p>2 A. She is, and she reports to me.</p> <p>3 Q. Okay. She reports to you. And owned by means she's</p> <p>4 in charge of this document or --</p> <p>5 A. She's in charge of making sure it gets updated in</p> <p>6 collaboration with the various people that have to</p> <p>7 put input into it.</p> <p>8 Q. Okay. And who would those people that put input into</p> <p>9 this document be?</p> <p>10 A. Nicole, Mike, Compensation, Payroll --</p> <p>11 Q. Okay.</p> <p>12 A. -- if there were any changes. So there's a</p> <p>13 collaboration as to whatever the laws might be, it</p> <p>14 changes, or whatever the practice may be. Mary's</p> <p>15 responsibility is to update the policy, not to</p> <p>16 necessarily change the content. The content --</p> <p>17 she'll change the content to reflect the input she</p> <p>18 had received as to what the policy needs to be</p> <p>19 changed to.</p> <p>20 Q. Got it. So input from Mike Blickhahn, input from</p> <p>21 Nicole Berlowski, input if you have any from your</p> <p>22 attorney saying, hey, there's a law that's changed?</p> <p>23 A. Correct.</p> <p>24 Q. Anything that happens, she's responsible for putting</p> <p>25 it in, but that information comes from --</p>	<p style="text-align: right;">Page 68</p> <p>1 Payroll in this case, to Total Rewards, and discuss</p> <p>2 the -- ask for the need or remind them the policy's</p> <p>3 up for revision, when are we going to meet, what</p> <p>4 should change, if any. And if there's no change, it</p> <p>5 still would be updated as far as the date of review.</p> <p>6 Q. Okay.</p> <p>7 A. Even though the content may not change.</p> <p>8 Q. Okay.</p> <p>9 A. Okay.</p> <p>10 Q. All right. Okay. That one -- we may refer back to</p> <p>11 that one, so we'll leave that with you.</p> <p>12 A. Okay.</p> <p>13 Q. And I'm going to give you Exhibits 14 and 15, if you</p> <p>14 can look at those for me.</p> <p>15 A. Okay. The time recording, two different versions you</p> <p>16 had given me.</p> <p>17 Q. That's correct. I had given you two different</p> <p>18 versions of the time recording policy. Let me find</p> <p>19 one to look at. So the first one, which I believe is</p> <p>20 Exhibit 14.</p> <p>21 A. Yes.</p> <p>22 Q. The effective date is January 1, 2003. It was</p> <p>23 revised and reviewed on March 30, 2010, right?</p> <p>24 A. Yes.</p> <p>25 Q. You see where I'm reading that? Okay. Came from HR,</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Various collaborators.</p> <p>2 Q. -- other sources?</p> <p>3 A. Correct.</p> <p>4 Q. Got it. Including you?</p> <p>5 A. Pay compensation practices would not come from me</p> <p>6 because that is outside my scope.</p> <p>7 Q. Okay. But she still reports to you?</p> <p>8 A. She does. But again, she's responsible to make sure</p> <p>9 that certain -- each business partner is assigned to</p> <p>10 many policies to ensure that they keep on top of it</p> <p>11 and making sure that they're updated according to the</p> <p>12 two-year, three-year updates.</p> <p>13 Q. Okay.</p> <p>14 A. Just so that they're always fresh.</p> <p>15 Q. So in addition to -- so in addition to this policy,</p> <p>16 Mary may have, like, a variety of departments --</p> <p>17 A. She may.</p> <p>18 Q. -- that report to her?</p> <p>19 A. She doesn't have any direct reports.</p> <p>20 Q. Okay.</p> <p>21 A. But she may be assigned and responsible for</p> <p>22 collaborating with others to update policies as</p> <p>23 needed.</p> <p>24 Q. Okay.</p> <p>25 A. She would be the person that might reach out to</p>	<p style="text-align: right;">Page 69</p> <p>1 correct? I mean, I guess --</p> <p>2 A. This came from Total Rewards.</p> <p>3 Q. I'm looking just at the origin department up here.</p> <p>4 A. Oh, yes.</p> <p>5 Q. Because that's the umbrella sort of term?</p> <p>6 A. Yes, yes.</p> <p>7 Q. And then specifically it came from Total Rewards,</p> <p>8 Nicole Berlowski, who reports to Mike Blickhahn we've</p> <p>9 established?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Now it says owned by Nicole Berlowski, so that</p> <p>12 means that she's responsible for making sure it's</p> <p>13 revised and updated just like Mary is with the</p> <p>14 compensation policy?</p> <p>15 A. Again, Mary's more administrative.</p> <p>16 Q. Okay.</p> <p>17 A. Nicole would have input to this because she's a</p> <p>18 manager.</p> <p>19 Q. Okay.</p> <p>20 A. So she may edit it.</p> <p>21 Q. Okay. Like actually provide the substance?</p> <p>22 A. Provide the substance versus -- I'm not saying Mary</p> <p>23 wouldn't, but Mary wouldn't have the knowledge to do</p> <p>24 that because she's not a compensation expert, she's a</p> <p>25 business partner.</p>



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1 Q. Got it. Okay. So you would say that Nicole  
2 Berlowski would be involved in the substantive  
3 aspects as a manager of editing this policy?  
4 A. Correct.  
5 Q. And making sure that it complied with various state  
6 and federal regulations?  
7 A. That's correct.  
8 Q. Okay. Under the direction of Mike Blickhahn?  
9 A. Yes. And ultimately the chief HR officer, and above  
10 and beyond that really the senior executive team and  
11 the chief, who sets the policy -- not the policy, the  
12 philosophy for the organization. So ultimately, you  
13 know, everything kind of comes down.  
14 Q. Comes from the top?  
15 A. Yeah.  
16 Q. Got it. So then let's just look at Exhibit 15. Same  
17 policy.  
18 A. Uh-huh.  
19 Q. There's some changes, though. Effective date still  
20 January 1, 2003. Last revised/last reviewed,  
21 September 21, 2012. So this appears to be the  
22 current version.  
23 A. Okay.  
24 Q. Okay. And there at the back -- we'll look at the  
25 back. This one is owned by Lindsay Hause, who's an

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1 HR business partner.  
2 A. She has to be a former one. I don't know who she is.  
3 Q. Okay. So that changed between 2010 and 2012. It  
4 used to be owned by Nicole and then owned by Lindsay.  
5 Do you know why that might be the case?  
6 A. I do not.  
7 Q. Okay. So does the fact that it's owned by her change  
8 what we just talked about in terms of who would have  
9 input and ultimately decide this policy?  
10 A. She would -- Lindsay Hause, whoever she was, would  
11 play the same role as Mary Polaris on the previous  
12 policy.  
13 Q. Got it.  
14 A. She would not be the content expert, subject matter  
15 expert, as Nicole would be.  
16 Q. Got it. Would the same people, Nicole and Mike  
17 Blickhahn and various compensation experts, still be  
18 responsible for the content in this version of the  
19 policy?  
20 A. Yes, yes.  
21 Q. Okay. So let's just walk through -- sorry --  
22 Exhibit 14, when it was in effect, applied to all  
23 housekeepers and all CNAs, correct?  
24 A. Yes.  
25 Q. Okay. And now Exhibit 15, which is currently in

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1 effect, applies to all housekeepers and all CNAs,  
2 correct?  
3 A. Correct.  
4 Q. Okay. I just kind of want to walk through a couple  
5 of these. What -- I mean, I can read the definition  
6 of authorizer. Do you know who's the authorizer --  
7 who is the authorizer for housekeepers, authorizer or  
8 authorizers?  
9 A. The manager or the editor.  
10 Q. Okay. So if someone has a job title of manager in  
11 the EVS Department, they would be considered an  
12 authorizer under this policy?  
13 A. Correct.  
14 Q. And would they also be considered an editor under  
15 this policy?  
16 A. They would not. It might be a different person that  
17 does the editing on the timecard.  
18 Q. So someone could not be both?  
19 A. It could be both.  
20 Q. Okay.  
21 A. Depends on the size of the department, I guess.  
22 Q. Okay. So let me talk specifically about the EVS  
23 Department. In the EVS Department for housekeepers,  
24 if someone's job title is manager, and I think on our  
25 org chart we have Rick Swan.

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1 A. Okay.  
2 Q. He's the authorizer for EVS?  
3 A. He would be ultimately responsible and approve -- as  
4 an approver, yes.  
5 Q. Okay. Anybody else that would be an authorizer in  
6 the EVS Department?  
7 A. Whoever he may designate as an authorizer. It could  
8 be a supervisor.  
9 Q. Okay. So you don't have specific knowledge of who  
10 the --  
11 A. I do not.  
12 Q. Okay. Maybe something I should ask Marian tomorrow?  
13 A. Yes, yes.  
14 Q. Okay. Okay. Then the similar question for the  
15 editors that -- who, if you know, would be an editor  
16 in the EVS Department?  
17 A. I don't know who the person is.  
18 Q. Okay.  
19 A. I know the supervisor can answer that.  
20 Q. Okay.  
21 A. I do know, though, that the editors are the ones that  
22 use the manual logs to make the edits, adjust it, and  
23 then I think the approver is then the next person.  
24 Q. Got it. So HR establishes the roles of each of these  
25 people, and then the head of the department --

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1 A. Determines who --  
2 Q. -- determines who's going to play that role?  
3 A. Correct.  
4 Q. Okay. Okay. I think we've talked about this, but  
5 we'll just go through one more time. I'm looking at  
6 page -124, Section 1(d). All housekeepers and all  
7 CNAs are required to record their time using Kronos,  
8 correct?  
9 A. That is correct.  
10 Q. Okay. This says -- the last line is, employees who  
11 do not have access to a time keeping terminal will be  
12 required to use TeleTime. That is not the case for  
13 housekeepers, correct?  
14 A. I believe so. I'm not sure. I can't speak to it  
15 because I have not seen -- I don't know how the  
16 TeleTime works.  
17 Q. Okay. So that's something that you're not familiar  
18 with?  
19 A. I'm not. I'm very familiar with the swiping.  
20 Q. Okay.  
21 A. And everybody should be aware of swiping.  
22 Q. Okay. And for purposes of this deposition, as far as  
23 you're concerned, swiping is the mechanism that  
24 housekeepers use to record their time?  
25 A. Correct.

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1 Q. And for purposes of this deposition, swiping is the  
2 mechanism that CNAs use to record their time?  
3 A. That is correct.  
4 Q. Okay. Okay. If you can turn to -- oh, wait. Sorry.  
5 We're still at 1(d). It says, hourly employees who  
6 leave the facility during their scheduled shift for  
7 non-work related activity are required to swipe out  
8 and swipe back in, including meal breaks. I kind of  
9 summarized 1(d) for you.  
10 A. That is correct.  
11 Q. Okay. That applies to all CNAs and all housekeepers?  
12 A. That is correct.  
13 Q. So if a housekeeper leaves the premises for their  
14 break, they are required to swipe in and swipe out?  
15 A. Define break.  
16 Q. Sorry. This is -- the reference here is meal breaks  
17 that are taken off campus.  
18 A. I'm sorry, meal break.  
19 Q. Uh-huh.  
20 A. So that's the 30-minute meal break.  
21 Q. Okay. Well, I guess I'll ask you. Housekeepers are  
22 provided with a 30-minute unpaid meal break, correct?  
23 A. Correct.  
24 Q. And that's auto deducted, correct?  
25 A. Auto deducted.

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1 Q. Okay.  
2 A. However, if they leave the premises, they are  
3 required to swipe out.  
4 Q. And then swipe back in?  
5 A. And swipe back in.  
6 Q. So there is a record of that in the event that a  
7 housekeeper left the premises?  
8 A. That is correct.  
9 Q. Okay.  
10 A. Same for a CNA.  
11 Q. Thank you. Okay. Let's look at -- oh. If they  
12 didn't -- if a housekeeper didn't swipe in and out to  
13 leave the premises, could they be disciplined for  
14 that, or subject to progressive discipline?  
15 A. They wouldn't necessarily be disciplined for the  
16 first offense. If they do it on a regular basis and  
17 it happens repetitively, then, yes, they would then  
18 be disciplined.  
19 Q. Okay. Same --  
20 A. For housekeepers.  
21 Q. -- for housekeepers and CNAs?  
22 A. Right.  
23 Q. Okay. Let's go to -125. I think we just talked  
24 about this, but if you stay on campus during the meal  
25 break as a housekeeper, they don't swipe in and out?

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1 A. They don't swipe on the Kronos clock, no.  
2 Q. Okay. There's another mechanism for housekeepers?  
3 A. Correct.  
4 Q. Okay. We'll talk about that in a minute. There's no  
5 swiping on the Kronos, and the 30 minutes is just  
6 automatically deducted?  
7 A. Correct.  
8 Q. Okay. That's the system that's been in place, the  
9 30-minute auto deduction, since 2010?  
10 A. Yes.  
11 Q. Okay.  
12 A. And prior I'm certain.  
13 Q. Okay. Same question I guess -- I think I was just  
14 talking about housekeepers, sorry. For CNAs, if they  
15 aren't required to swipe in and out if they stay on  
16 the premises?  
17 A. Correct.  
18 Q. And then the 30 minutes is automatically deducted?  
19 A. Correct.  
20 Q. Been in place since 2010?  
21 A. Yes.  
22 Q. And prior?  
23 A. Yes.  
24 Q. Okay. 6(b) was kind of covered under 1(d), and then  
25 there is a -- 6(c) references a cancelled lunch

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1 function?  
2 A. Uh-huh.  
3 Q. And that is applicable to all housekeepers?  
4 A. Correct.  
5 Q. And all CNAs?  
6 A. Correct.  
7 Q. Okay. Let's go to eight. Let me ask you this.  
8 There are 15-minute paid breaks provided to  
9 housekeepers, correct?  
10 A. Correct.  
11 Q. Okay. There's no swiping required for that?  
12 A. No.  
13 Q. Okay.  
14 A. And it isn't always granted. It's based on volumes.  
15 Q. Okay. What about for CNAs, is there a 15-minute  
16 break provided to CNAs?  
17 A. Yes. Same thing applies for everyone else.  
18 Q. So that's covered under it looks like Subsection 7?  
19 A. Yes.  
20 Q. And that is a reference to non-meal breaks?  
21 A. Correct. And actually it's 10 minutes, not 15.  
22 Q. Okay.  
23 A. Because their total break time is 20 minutes, so 10  
24 minutes potentially in the morning or 10 in the  
25 afternoon or whenever they can get it in.

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1 Q. Because it's not required to provide that?  
2 A. Correct.  
3 Q. Got it. Subsection 8 is the use of the manual time  
4 recording edits. Now subsection (a) of that is  
5 basically what we've already talked about, all hourly  
6 employees use the electronic time recording, and if  
7 they don't record it, they are required to manually  
8 record it, correct?  
9 A. Yes.  
10 Q. This gives some examples of things that might happen:  
11 you forgot to swipe, you worked off campus, you  
12 attended a seminar. That would be the type of  
13 information that's recorded in the manual time log?  
14 A. Correct, correct.  
15 Q. Okay. Same for all housekeepers and all CNAs?  
16 A. Yes.  
17 Q. And then either the authorizer or the editor enters  
18 that information into the Kronos system?  
19 A. That is correct.  
20 Q. Whoever is designated in that particular  
21 department --  
22 A. Yes.  
23 Q. -- as with one of those functions?  
24 A. Correct.  
25 Q. Okay. Oh. And then Subsection C on page -126, is

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1 that sort of the progressive discipline or counseling  
2 that we talked about if there's a missed punch?  
3 A. Yes.  
4 Q. And that applies to punching in and punching out at  
5 the beginning and end of the day, and also if you  
6 left the premises and didn't punch?  
7 A. That is correct.  
8 Q. All CNAs, all housekeepers?  
9 A. Yes.  
10 Q. Oh. On the last page of this document, you see it  
11 says references.  
12 A. Yes.  
13 Q. There's an attendance policy and a compensation  
14 policy. The compensation policy, is that the one we  
15 talked about?  
16 A. Yes.  
17 Q. That's Exhibit 14?  
18 A. Yes.  
19 Q. I'm sorry, it may be Exhibit --  
20 A. 13.  
21 Q. -- 13. And then the attendance policy --  
22 MS. MURSHID: I actually don't have a copy  
23 of that one. Can we get a copy of that one, Mike?  
24 MR. LIED: Uh-huh.  
25 BY MS. MURSHID:

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1 Q. But there's a cross-reference I'm assuming in this  
2 policy and the attendance policy?  
3 A. I would have to assume, yes.  
4 Q. That's what that references?  
5 A. That's correct.  
6 Q. Okay. And then at the bottom, this didn't exist on  
7 the prior version of this document, it says  
8 committee, Administrative Policy Committee. What is  
9 that?  
10 A. Something new that the organization started back, I  
11 guess, in -- three years ago.  
12 Q. Uh-huh.  
13 A. Maybe not even. It is a group of leaders that review  
14 all policies that get posted to the I-Net or the  
15 intranet, and then ensure that the wording, basically  
16 grammar and such, they're in alignment throughout the  
17 organization to have the same flavor, the same  
18 format. And there is a person from that committee  
19 that then posted committee -- the policy on the  
20 I-Net.  
21 Q. These are -- when you said leaders, they are people  
22 who work for Waukesha Memorial?  
23 A. Yes. So they could be managers, supervisors from  
24 various departments. It's like a small committee --  
25 Q. Okay.

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<p>1 A. -- of various management staff that reviews the 2 policies. There is an HR business partner on this 3 committee as well -- 4 Q. Okay. 5 A. -- who is not in the management role but is part of 6 the committee. 7 Q. Does the committee make substantive changes to the 8 policy? 9 A. They may recommend changes. That goes back to the 10 owner or collaborators. 11 Q. Okay. So if the Administrative Policy Committee, for 12 instance, wanted to make a substantive recommendation 13 on changing the time recording policy, they would go 14 back to the individuals who are ultimately 15 responsible for the substantive content of the 16 policy? 17 A. And they would question why. 18 Q. Okay. And who is -- we talked about Nicole being 19 the -- 20 A. Compensation. 21 Q. Compensation. Who is substantively responsible for 22 time recording? 23 A. It would be Nicole as well. 24 Q. Okay. And her boss, Mike Blickhahn? 25 A. Correct.</p>	<p>1 A. Yes. 2 Q. Okay. And is that used to -- do they use that sort 3 of to get into the I-Net? 4 A. For everything. 5 Q. They use it for everything? 6 A. Yes. 7 Q. Okay. So this appears to be a -- 8 A. Time record. 9 Q. A punch origin is what it says at the top. So is 10 this a report that was run from Kronos then? 11 A. Yes. 12 Q. Yes, okay. And it shows -- I think what you're 13 saying, correct me if I'm wrong, it shows the time 14 that this particular employee, Ms. Aguilera, punched 15 in and out? 16 A. That is correct. 17 Q. Between the time periods listed at the top, 18 December 26, 2010 and October 26, 2013? 19 A. Yes. 20 Q. Okay. The column to the far left is the punch date 21 and time, right? 22 A. Correct. 23 Q. So that if I'm reading this from left to right, on 24 February 14th of 2011, she -- well, it looks maybe to 25 be a punch out. She punched out -- or maybe she</p>
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<p>1 MS. MURSHID: Okay. We can go off the 2 record. 3 (Discussion held off the record.) 4 (Exhibit 36 marked for identification.) 5 BY MS. MURSHID: 6 Q. Okay. I'm showing you what's been marked <u>Exhibit 36</u>.  7 I'll represent to you that this is another document 8 that was provided by defense counsel. It's WMH000068 9 through -91. Do you recognize this document or know 10 what it is? 11 A. I believe this is a document -- yes, I recognize it. 12 It seemed to be something that would be -- reflect 13 the punching in, swiping of the badge -- 14 Q. Okay. 15 A. -- for a specific individual. There's no name listed 16 on individual. There is a U number, but I don't know 17 exactly who that is for. 18 Q. I think if you look under punch data, it says 19 Evangelina Aguilera. 20 A. Sorry. My glasses are off. I see. Sorry. I looked 21 at U number because that's the identifier for an 22 employee. 23 Q. Okay. Every employee gets a U number? 24 A. Yes. 25 Q. Okay. They get that at the orientation?</p>	<p>1 punched in? 2 A. She punched in. 3 Q. Okay. 4 A. At 3:56 p.m. 5 Q. At 3:56 p.m. And then on February 15, 2011, she 6 punched out? 7 A. At 12:30 a.m. 8 Q. Okay. And how do you know whether that's an in or an 9 out? 10 A. Based on the shift that she's scheduled to work. 11 Q. Okay. 12 A. So she must have been scheduled to start work at 13 4:00 p.m. 14 Q. Okay. 15 A. And complete it at 12:30 a.m., so the second shift. 16 Q. So housekeepers on the second shift work from 4:00 to 17 12:30? 18 A. All depends how they're scheduled. They may each be 19 scheduled differently. 20 Q. Okay. 21 A. In her case, she may have been scheduled for these 22 hours. 23 Q. Got it. Okay. And then if we read it again, it 24 looks like she punched in here at 3:56 on the 15th in 25 the afternoon and punched out again at 12:30 on the</p>



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1 16th in the morning, right?  
2 A. Correct.  
3 Q. Okay. And under the second column, what -- do you  
4 know what DCMS user is? What does that mean?  
5 A. I do not. It must be herself.  
6 Q. Okay.  
7 A. Because if it's someone else that uses it, I notice  
8 that the U number shows up of the person. If you go  
9 down to March 2, 2011.  
10 Q. Okay.  
11 A. There's a U number, so that must have been an  
12 editor --  
13 Q. Okay.  
14 A. -- that may have edited her time record for some  
15 reason.  
16 Q. Okay. So this information -- this punch report shows  
17 when she punched in and out, and then if an editor  
18 edited her punch time?  
19 A. It appears so, yes.  
20 Q. Okay. Is this a report that can be run for all  
21 housekeepers?  
22 A. Yes.  
23 Q. Can it be run for all CNAs?  
24 A. Yes.  
25 Q. What is client, if you know, this column client?

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1 A. I do not know.  
2 Q. Okay. Do you know who might know that?  
3 A. Maybe the supervisor.  
4 Q. Okay.  
5 A. I would anticipate.  
6 Q. And what about server? Do you know what that is?  
7 A. I do not know. That's probably an IT.  
8 Q. Okay. And data source, do you know what that is?  
9 A. Might be the clock. The external API might be the  
10 clock as the data source --  
11 Q. Okay. All right.  
12 A. -- versus an editor who goes in.  
13 Q. So the -- and you're just speculating?  
14 A. I'm speculating. Absolutely speculating.  
15 Q. Okay. That's fine. So this report shows me the  
16 punch-in and punch-out times that Ms. Aguilera  
17 punched in and punched out for the last -- dating  
18 back to December 26, 2010?  
19 A. Yes.  
20 Q. Do you know if this report can be exported to Excel?  
21 A. I do not.  
22 Q. Okay. Do you know who might know that?  
23 A. The supervisor may know.  
24 Q. Okay. Do you know who ran this report?  
25 A. Lisa -- I requested Lisa to make sure we get it. I

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1 don't know. Lisa Wald.  
2 Q. Okay.  
3 A. I don't know who ran the report, though, but I know  
4 the request came from HR.  
5 Q. The requesting from you to --  
6 A. To payroll to run this. So it would be payroll that  
7 would run it. It wouldn't be Lisa that would do it,  
8 but Lisa would request it.  
9 Q. Okay. Payroll would run the Kronos report?  
10 A. Uh-huh.  
11 Q. Okay. Okay. So if I wanted these reports for other  
12 people, it would be something I would request from  
13 Payroll?  
14 A. Yes.  
15 Q. Who -- Payroll is under the CFO that we talked about,  
16 right?  
17 A. Yes.  
18 Q. Under that --  
19 A. Finance.  
20 Q. Under that. Who's directly responsible for the  
21 Payroll Department, if you know, other than the CFO?  
22 A. I know the manager, her name is Erica Umbach.  
23 Q. And what's her job title?  
24 A. I believe she's manager of Payroll. Payroll manager.  
25 Q. Okay.

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1 A. But I -- don't quote me on it for certain. I don't  
2 know her exact title.  
3 Q. Okay.  
4 A. But I believe she's the Payroll manager.  
5 Q. Fine. I got you.  
6 A. I don't want to misspeak.  
7 Q. No problem. Okay. All right. Sorry. Let me ask  
8 one more question about this. So because the policy  
9 for all employees is that they swipe in and out if  
10 they leave the premises for lunch, this report would  
11 also show any swipes in the middle of the day if they  
12 left for lunch, correct?  
13 A. If they left the building.  
14 Q. If they left the building.  
15 A. Yes.  
16 Q. Okay.  
17 A. Or if they --  
18 MR. LIED: And if they swiped the clock.  
19 THE WITNESS: Yes, and if they swiped the  
20 clock.  
21 MS. MURSHID: Okay.  
22 THE WITNESS: Absolutely. Because if they  
23 forget it, it wouldn't show.  
24 MS. MURSHID: Sure.  
25 THE WITNESS: Right.



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1 MS. MURSHID: Okay. I'm not going to have  
2 to remind Mr. Lied that he's not allowed to testify  
3 or provide any additional information. He knows  
4 that.  
5 MR. LIED: I'll do what I need to do.  
6 MS. MURSHID: Well, if there's an  
7 objection, you can enter it, but otherwise --  
8 (Exhibit 37 marked for identification.)  
9 BY MS. MURSHID:  
10 Q. Okay. Do you recognize this document?  
11 A. I do.  
12 Q. All right. And it is the manual time recording  
13 sheet, correct?  
14 A. That is correct.  
15 Q. Okay. And let me just back up and ask who creates  
16 the template document? So, like, who is responsible?  
17 A. I do not know.  
18 Q. You don't know?  
19 A. Honestly, I don't know.  
20 Q. Okay.  
21 A. Must be Payroll.  
22 Q. Okay.  
23 A. I have to assume that.  
24 Q. Okay. So if we look at this document, it's WMH001916  
25 and WMH00 -- through WMH001940. Is that what you

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1 have?  
2 A. That is correct.  
3 Q. Okay. It appears to be the EVS manual time recording  
4 sheet. That department number is listed as 63200; is  
5 that right?  
6 A. That is correct.  
7 Q. Okay. And it's January through December of 2013 it  
8 looks like?  
9 A. Yes.  
10 Q. Okay. At the top there are a variety of pay codes.  
11 Do you see those?  
12 A. Yes.  
13 Q. Who establishes those pay codes?  
14 A. Payroll.  
15 Q. Okay. This document, do you know where it's kept in  
16 the EVS Department?  
17 A. It is kept by the clock in the EVS Department on a  
18 clipboard.  
19 Q. Okay. And walking across the columns here, we have  
20 the date presumably that the employees enter, names  
21 are redacted, the employee ID number is the third  
22 column. Is that the U number that we referenced?  
23 A. That's their employee number.  
24 Q. Okay. Tell me the difference.  
25 A. The employee number is -- employee number is issued

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1 to every employee in Lawson.  
2 Q. Okay.  
3 A. A U number is for an ID number that IT gives an  
4 employee to log into the system.  
5 Q. Oh. So it's almost like a user name or something?  
6 A. Correct.  
7 Q. Okay.  
8 A. Yes.  
9 Q. So this is where they put their employee ID number?  
10 A. Yes.  
11 Q. Okay. Some people aren't listed here it looks like.  
12 Do you know why that would be the case?  
13 A. I do not.  
14 Q. Okay.  
15 A. Some people don't remember their numbers either.  
16 Q. Okay.  
17 A. So that could be the reason why.  
18 Q. Okay. And then there's time in and time out you see.  
19 There's pay code punch edits. Do you know what's  
20 supposed to go in there? I can't really read what  
21 this says in some of these.  
22 A. I do not. An editor who would work with this  
23 document to update the Kronos system would know.  
24 Q. Okay. So if I wanted to know kind of the specifics  
25 of this particular document and what this says, I

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1 could ask maybe Ms. Thornburg?  
2 A. The supervisor, correct.  
3 Q. Okay. Then sort of generally speaking, it's the  
4 policy of the hospital, as far as you understand,  
5 that if an individual needs their time -- their  
6 recorded time edited, they would complete this  
7 document, correct?  
8 A. That is correct. It is the employee's responsibility  
9 to do so, otherwise no one would know that there was  
10 a discrepancy.  
11 Q. And that would be the same for all CNAs?  
12 A. Yes.  
13 Q. And all housekeepers?  
14 A. Yes.  
15 Q. Okay. There's a section here for editor initials.  
16 Is that word editor the same as it's defined in the  
17 policy that we were looking at?  
18 A. Yes.  
19 Q. Okay.  
20 A. That represents, in my mind, that the person has  
21 signed off that they made the edits.  
22 Q. Okay. So under the way this system works and is set  
23 up by the hospital, the employee completes what they  
24 want changed, and then there's an editor that goes  
25 into Kronos and makes that change in the computer?

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1 A. That is correct.  
2 Q. And then there's an authorizer that ultimately  
3 authorizes that?  
4 A. That is correct.  
5 Q. Okay. For all CNAs?  
6 A. Yes.  
7 Q. All housekeepers?  
8 A. Yes.  
9 Q. Okay. What happens, if you know, to this document  
10 after it's completed? Where does it go?  
11 A. At the end of the year --  
12 Q. Uh-huh.  
13 A. Well, it's kept in the department, and at the end of  
14 the year it is sent to payroll.  
15 Q. At the end of the year?  
16 A. Well, a year's worth.  
17 Q. Right. But I'm saying these changes are made payroll  
18 period to payroll period?  
19 A. Correct.  
20 Q. So are they -- I guess what I'm asking --  
21 A. Oh, for each individual sheet?  
22 Q. Yeah. So what happens if this sheet is January 15th  
23 and somebody's about to get paid, is this document  
24 submitted to Payroll?  
25 A. I don't know that.

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1 Q. Okay.  
2 A. I just know what happens to it at the very end of the  
3 year.  
4 Q. Okay. Because presumably Payroll then maybe  
5 doesn't -- well, it says here, all manual time  
6 recording sheets must be sent to the payroll  
7 department at the close of pay period. So I guess  
8 that answers my question then.  
9 A. That answers the question then. Mine, too.  
10 Q. You have no reason to think that's not correct?  
11 A. That's correct.  
12 Q. Okay.  
13 A. Fine print.  
14 Q. It's like reading the footnotes. You should always  
15 just do it.  
16 Okay. And the instruction and training for  
17 this comes at the employee orientation, correct?  
18 A. They get -- yes. And then once an employee gets into  
19 their department, it's also the manager's  
20 responsibility to discuss with them how it's done,  
21 where it's kept.  
22 Q. And that goes back to our --  
23 A. And how to do it.  
24 Q. I'm sorry. That goes back to our orientation  
25 checklist that all the managers get?

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1 A. Correct. Yes.  
2 MS. MURSHID: Okay. We'll give you this  
3 one, but I think most of my questions are answered.  
4 (Exhibit 38 marked for identification.)  
5 BY MS. MURSHID:  
6 Q. Okay. This is another manual time recording sheet,  
7 WMH002574 through -2583. At the top it says 4NW.  
8 A. Yes.  
9 Q. Do you see that?  
10 A. Yes.  
11 Q. That's another department, correct?  
12 A. Yes. That's 4 Northwest. That's a nursing floor.  
13 Q. Okay. So on this floor, there are presumably a  
14 variety of different job-titled employees?  
15 A. Yes.  
16 Q. Correct?  
17 A. Correct.  
18 Q. So CNAs that work on 4NW? Nurses?  
19 A. That's correct.  
20 Q. Any other job titles?  
21 A. Educator.  
22 Q. Okay.  
23 A. HUC, Health Unit Coordinator.  
24 Q. Okay.  
25 A. Physician.

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1 Q. Okay. So this would be the manual edit log for the  
2 entire department of 4NW, correct?  
3 A. I believe so.  
4 Q. Okay. Everybody has access to this?  
5 A. They should.  
6 Q. Okay. Is there a manual time recording sheet then  
7 for every department?  
8 A. Yes.  
9 Q. Okay.  
10 A. Anywhere there are hourly employees.  
11 Q. Okay. That's helpful. So this is only used for  
12 hourly employees to change their time?  
13 A. Correct.  
14 Q. Because salaried employees don't have to track their  
15 time in the same way?  
16 A. That is correct.  
17 Q. Okay. But as far as you know, there's a manual time  
18 recording sheet in every department that has any  
19 hourly employees?  
20 A. That's correct.  
21 Q. Which could include CNAs?  
22 A. That is correct.  
23 Q. And then the Environmental Services Department has  
24 its own?  
25 A. That's the same form.

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1 Q. Recording sheet?  
2 A. Yes. Each department has their own recording sheet.  
3 Q. So that a housekeeper that worked on 4NW would not  
4 sign this recording sheet, they would sign their own  
5 EVS recording sheet, right?  
6 A. A housekeeper would sign their own EVS, correct.  
7 Q. Got it. Okay.  
8 A. Yes.  
9 Q. We talked about the policy that requires housekeepers  
10 and CNAs and all employees to swipe out if they leave  
11 the premises for lunch and come -- come back and  
12 swipe in, right?  
13 A. Yes.  
14 Q. If they forgot to do that, would there be an  
15 expectation for housekeepers to record that they had  
16 left the premises for lunch in the manual time  
17 recording sheet?  
18 A. That is the expectation.  
19 Q. Okay.  
20 A. And it should be indicated as a missed punch.  
21 Q. It should be indicated as a missed punch?  
22 A. (Witness nods head.)  
23 Q. Okay. The same question applies then for CNAs. If  
24 they left the premises for lunch and they did not  
25 swipe in and out pursuant to the policy, they would

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1 be expected to complete the manual recording sheet  
2 indicating that they had missed the punch?  
3 A. That is correct.  
4 Q. All right. And there's a code here. We can see no  
5 lunch, cancel lunch, missed punch?  
6 A. That is correct.  
7 Q. Okay. So that there should be a record of anybody  
8 who left the premises for lunch?  
9 A. As long as they log it in here.  
10 Q. Right.  
11 A. Or they use their swipe.  
12 Q. Sure. As long as they're following the policies?  
13 A. Correct.  
14 Q. Okay.  
15 A. Correct.  
16 Q. And presumably managers for various departments are  
17 trained on how to use the progressive discipline and  
18 counseling method to deal with missed punches?  
19 A. That is correct.  
20 Q. Okay. The editor can be a supervisor or a manager,  
21 correct?  
22 A. That's correct.  
23 Q. And does that person have the ability to refuse to  
24 honor the manual edit as recorded by the employee?  
25 A. I do not know.

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1 Q. Okay.  
2 A. I think that's a question that I can't answer. You  
3 may want to ask that question of the supervisor on  
4 that floor, but I would think not. This is a record.  
5 Q. Uh-huh.  
6 A. But I can't speak to it for certain.  
7 Q. Let me ask this then. There's no -- there's nothing  
8 from the HR Department to your knowledge that would  
9 empower an editor to refuse to change the employee's  
10 time?  
11 A. No. Unless it is inaccurately reflected here, and  
12 the editor may be aware, personally witness  
13 something.  
14 Q. Okay.  
15 A. Then I could see a question, but it is the employee's  
16 responsibility to make sure that what they put in  
17 here is accurate, and it's the editor's  
18 responsibility to make sure that it's entered into  
19 the system so that the person is appropriately either  
20 paid or docked.  
21 Q. Uh-huh. Okay. How long have these manual edit logs  
22 been used at Waukesha Memorial?  
23 A. I do not know. I've been here for seven months, but  
24 as far as I know it's been in place for a while.  
25 Q. Okay. Before 2010?

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1 A. Yes.  
2 Q. And it's currently in place?  
3 A. It's currently in place.  
4 Q. If a housekeeper had a pattern of not punching in and  
5 using the Kronos system and not recording the  
6 information in the edit log, there is a pattern,  
7 let's say, is it the expectation of the hospital that  
8 they would engage that -- I guess we'll call it the  
9 progressive discipline steps that are articulated in  
10 the time recording policy?  
11 A. That is correct.  
12 Q. And that would be the same expectation for a CNA,  
13 right?  
14 A. Yes.  
15 MS. MURSHID: Okay.  
16 (Exhibit 39 marked for identification.)  
17 BY MS. MURSHID:  
18 Q. Okay. This is a very thick document. It's WMH001453  
19 through -001715. At the top it says timecard audit.  
20 Do you recognize this report?  
21 A. Yes.  
22 Q. Okay. And what is it?  
23 A. It's an audit trail of the punches.  
24 Q. Okay. How is this document different than exhibit --  
25 two exhibits ago that we just looked at? How is it

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1 different than Exhibit 36?  
2 A. I don't think it's different. It's just printed in a  
3 different format.  
4 Q. Okay.  
5 A. The way I see it.  
6 Q. Okay. So this is the punch data for Ms. Aguilera?  
7 A. Uh-huh.  
8 Q. In a different format?  
9 A. Yes. That's --  
10 Q. That's your understanding?  
11 A. That's my understanding.  
12 Q. Okay. And was this report then also run from Kronos?  
13 A. Yes.  
14 Q. Okay. This is just -- this is a little different, I  
15 think, because this one dates back to November 5,  
16 2010, right?  
17 A. Correct.  
18 Q. And this other one starts on February 14th?  
19 A. Yes. I noticed that.  
20 Q. Okay. It seems like there may be some additional  
21 information contained on this report, so let's look,  
22 for example, at page -1458. That might not be a good  
23 example because we don't have a comparison, but we'll  
24 look at it really quick. So you see on December 22,  
25 2010, it says add payroll 301 - PTO?

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1 A. Yes.  
2 Q. What does that mean?  
3 A. The person, Evangelina, must have taken PTO time.  
4 Q. And that looks like the timecard editor added that  
5 in?  
6 A. That's correct.  
7 Q. Okay. And then that looks like on the same day FML  
8 EEM. Use my deductive reasoning and guess, that's  
9 probably FMLA?  
10 A. Yes.  
11 Q. Okay. So is it correct for me to understand that she  
12 used three hours of her PTO, which is personal time  
13 off? Is that what that stands for?  
14 A. Personal time off, that's correct.  
15 Q. Okay. And that was eight hours counted against her  
16 FMLA leave?  
17 A. That is correct.  
18 Q. That's what this series of entries shows me?  
19 A. She must have been on FMLA.  
20 Q. Okay.  
21 A. And supplemented her time with paid time off.  
22 Q. Because Waukesha Memorial has a policy that people  
23 can use their paid time off and their FMLA leave  
24 concurrently; is that right?  
25 A. To remain whole, yes.

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1 Q. All right. So then let's go maybe to one and we can  
2 compare. Okay. Can you go to -1481 for me?  
3 A. Okay.  
4 Q. Okay. So that one looks like a punch was edited by a  
5 timecard editor, right?  
6 A. Yes.  
7 Q. And maybe they added an in-punch because she forgot  
8 to punch in?  
9 A. That could be.  
10 Q. That may be possible?  
11 A. That's possible.  
12 Q. Okay. Does the timecard editor have the power to do  
13 that, add an in-punch if an employee forgot to punch  
14 in?  
15 A. Yes.  
16 Q. Okay.  
17 A. As long as it's on the edit log that would state  
18 forgot to punch in.  
19 Q. Okay. So that's helpful. So if I looked at the edit  
20 log for February 24, 2011, I should see from  
21 Ms. Aguilera a note that says forgot to punch?  
22 A. If she wrote it in, yes.  
23 Q. That's the expectation?  
24 A. That is.  
25 Q. And that's how this particular timecard editor would

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1 presumably know that he needed to alter the record?  
2 A. Yes.  
3 Q. Got it. And then if we look back at Exhibit 36, we  
4 can see at -224 there's an 8:56 punch in here, right?  
5 First page, 2-24-2011, maybe a third of the way down.  
6 A. Can you say the date again?  
7 Q. 2-24-2011.  
8 A. Okay.  
9 Q. Okay. And then you can see here, 8:56 p.m. matches  
10 this other one, 8:56 p.m. on the big fat exhibit,  
11 right?  
12 A. Okay.  
13 Q. So that one, 2-24-2011, doesn't show up with a  
14 timecard editor on Exhibit 36, right?  
15 A. That's correct.  
16 Q. Okay. So maybe Exhibit 36 doesn't show all of the  
17 manual changes, is that maybe one of the differences?  
18 A. Honestly, I don't know.  
19 Q. Okay.  
20 A. I can't speak to it.  
21 Q. That's fine. Let's go to page -- okay. So let's  
22 look at page -1487, and then the second page of  
23 Exhibit 36, and that's page -69. So there's a note  
24 here, sort of the second entry from the bottom. It  
25 says, unplanned late, and you can see that she



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1 punched in at 4:02 --  
2 A. Yes.  
3 Q. -- right?  
4 A. Yes.  
5 Q. So that is presumably past her start time?  
6 A. Yes.  
7 Q. And there's a note. And so if she had followed the  
8 expectations of the hospital, she would have recorded  
9 in the manual edit log that she was late?  
10 A. Yes.  
11 Q. Okay. That doesn't show up on Exhibit 36, page -69,  
12 that kind of additional information, the unplanned  
13 late note, right?  
14 A. It does not.  
15 Q. Okay.  
16 A. But I don't know why.  
17 Q. Yeah. I mean, I don't know if it's just a different  
18 report --  
19 A. Different report.  
20 Q. Okay. And then same question for page -1508. If you  
21 look at the bottom, it says badge forgot to bring --  
22 A. Okay.  
23 Q. -- right?  
24 So presumably that's recorded in the  
25 June 25, 2011 manual edit log, and some timecard

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1 editor went in and punched her in and out, right?  
2 A. Uh-huh.  
3 Q. Okay. And if we look at Exhibit 36, we can see that  
4 there's a timecard editor entry there. I'm sorry,  
5 I'm looking at page -71. So that one shows us that  
6 somebody went in and did it for her, right?  
7 A. Yes, yes.  
8 Q. Okay. But you don't have any information as to why  
9 some of them show up on Exhibit 36 and some of them  
10 don't?  
11 A. I do not.  
12 Q. Okay. Do you know who might know that?  
13 A. The supervisor should be able to answer.  
14 Q. Okay.  
15 A. If not -- well, she should.  
16 Q. Okay.  
17 A. Because she approves them.  
18 Q. Do you know who would have run this report, that one,  
19 which is Exhibit 39?  
20 A. Payroll.  
21 Q. Payroll, okay.  
22 A. Uh-huh.  
23 Q. Same that ran the punch record?  
24 A. Yes.  
25 Q. Now we're talking specifically about Ms. Aguilera,

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1 but is it possible for a report like that in  
2 Exhibit 39, can that report be run for any  
3 housekeeper?  
4 A. For any housekeeper.  
5 Q. And any CNA?  
6 A. And any CNA.  
7 Q. Do you know if this can be exported to Excel?  
8 A. I do not.  
9 Q. Do you know who ran this report?  
10 A. I do not.  
11 Q. Okay. Is it the same sort of process?  
12 A. The same department.  
13 Q. Right. But previously you testified that you would  
14 ask Ms. Wald to have this run?  
15 A. The same way, yes.  
16 Q. The same way?  
17 A. The same way, yes.  
18 Q. Okay. This data, do you know where it's stored?  
19 A. It's in the Kronos system.  
20 Q. And do you know -- obviously you can go back at least  
21 three years --  
22 A. Yes.  
23 Q. -- correct?  
24 A. Yes.  
25 Q. And that's -- that data, do you know if it's wiped or

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1 archived or anything at any point in time?  
2 A. At some point it's archived, but I don't know what  
3 frequency.  
4 Q. Okay. Not for the last three years?  
5 A. Not for the last three years.  
6 MS. MURSHID: Okay. So we're at 12:30,  
7 and I think that we can take a break here. Do we  
8 want to say -- you want an hour or 45 minutes?  
9 MR. LIED: 45 minutes.  
10 (Break taken from 12:27 p.m. to 1:37 p.m.)  
11 BY MS. MURSHID:  
12 Q. So you and I had a prior conversation where we talked  
13 about the individuals who facilitate the orientation  
14 for new employees. You recall that conversation?  
15 A. That is correct.  
16 Q. Okay. And at the time you had a hard time  
17 remembering the name of the second person, and now  
18 you remember her name. Can you spell it for us?  
19 A. I do remember. Arlene, A-R-L-E-N-E, Verdin,  
20 V-E-R-D-I-N.  
21 Q. And she is another HR business manager?  
22 A. She is -- she works for Nicole Berlowski --  
23 Q. Okay.  
24 A. -- as an admin assistant, HR assistant. She helps  
25 coordinate and facilitate the day of orientation.



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1 Q. So the majority of the time, all of the time, 99.9  
2 percent of the time, it's either Amy or Arlene that's  
3 facilitating that orientation?  
4 A. That is correct.  
5 Q. Okay.  
6 A. The majority of the time it is Amy.  
7 Q. Okay. And Amy falls under your direct report?  
8 A. Yes, yes.  
9 Q. Okay. Arlene will fall under Mike?  
10 A. Yes. Blickhahn.  
11 MS. MURSHID: Blickhahn. Man, okay. We  
12 are making progress.  
13 (Exhibit 40 marked for identification.)  
14 BY MS. MURSHID:  
15 Q. This is a document that is similar to the much larger  
16 timecard audit trail that we looked at for  
17 Ms. Aguilera. This is for our other named plaintiff,  
18 the CNA, Angelina Nunez, and I've given you just an  
19 excerpt of what was produced by defense counsel.  
20 I've given you WMH001990 through -196. Is that what  
21 you have?  
22 A. That is correct.  
23 Q. Okay. I've given you this primarily because I want  
24 to have you look at page -1995 for me. And if you  
25 look at the date 12-6-2010, you see 30-minute meal,

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1 six hour out-punch. Do you see that at the bottom?  
2 A. Yes.  
3 Q. Okay. And if you flip to the next page.  
4 A. Yes.  
5 Q. It says meal break cancelled on that entry.  
6 A. Okay.  
7 Q. Do you see where I'm looking?  
8 A. Yes.  
9 Q. Okay. And if you know, is that how the Kronos  
10 reporting system shows that a meal break has been  
11 cancelled?  
12 A. If that's how the timecard editor inputs it, that's  
13 how it would show. Whether it's cancelled or missed  
14 punch, that would be something she would -- the  
15 editor would enter.  
16 Q. Okay. So let me make sure I understand. Looking at  
17 this particular entry where it says meal break  
18 cancelled, are you inferring that the timecard  
19 editor, the supervisor, went back in and corrected  
20 this time?  
21 A. That's correct.  
22 Q. Okay. Because theoretically, if Ms. Nunez followed  
23 hospital protocol, she would have written down on the  
24 manual edit log no lunch, missed punch --  
25 A. That's correct.

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1 Q. -- or something along those lines --  
2 A. Yes.  
3 Q. -- on December 6, 2010?  
4 A. Yes. And then the editor would have noted that in  
5 the system, and in this case it has been noted that  
6 may have had a meal break but didn't actually take it  
7 because it was cancelled.  
8 Q. Right. Because the policy is the 30 minutes is  
9 automatically deducted?  
10 A. That is correct.  
11 Q. And if it's cancelled, then that 30 minutes is  
12 credited back, right?  
13 A. That's correct.  
14 Q. Okay. So this is what it would look like if the  
15 person -- if the CNA or housekeeper, or any other  
16 hourly employee for that matter, manually entered no  
17 lunch, missed punch on the edit logs; is that  
18 correct?  
19 A. I have to assume that, yes.  
20 Q. Okay. It would be different if the person -- let me  
21 ask it.  
22 Would it be different if the person swiped  
23 their card, their Kronos card, to punch out and  
24 pushed the no lunch button on the Kronos machine? Do  
25 you know if it would look different?

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1 A. I don't know.  
2 Q. Okay.  
3 A. I'm really not an expert on the Kronos clock.  
4 Q. Okay. If I wanted to get that kind of information,  
5 who should I talk to?  
6 A. The supervisor.  
7 Q. The supervisor would know exactly what the Kronos  
8 report would look like?  
9 A. I would anticipate, yes.  
10 Q. Okay. Is there also someone in the IT department who  
11 may have information on, like, the IP address or the  
12 server or things like that that are listed on here?  
13 Is that something I should talk to IT about?  
14 A. I would anticipate Payroll can potentially answer  
15 that question. I don't know who in IT.  
16 Q. Okay.  
17 A. It --  
18 Q. So it's not an IT person?  
19 A. It would not necessarily be an IT person. It would  
20 be a Payroll person that could.  
21 Q. Maybe the manager of Payroll that we talked about  
22 earlier?  
23 A. Could very well be.  
24 Q. Okay. Erica Umbach?  
25 A. Erica Umbach.

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1 Q. Can you spell her last name?  
2 A. U-M-B-A-C-H.  
3 Q. I have that all wrong. Okay. So for our purposes,  
4 this particular time entry reflects what it would  
5 look like if someone used the manual edit log?  
6 A. Yes.  
7 Q. A CNA or a housekeeper?  
8 A. Or a housekeeper.  
9 Q. Got it.  
10 A. The editor referred to the manual edit log to make  
11 the change to this report, yes.  
12 Q. Got it. Okay. And that report -- sorry. That  
13 report that we were just looking at, what exhibit was  
14 that, 40?  
15 A. Yes.  
16 Q. That's also run from Kronos?  
17 A. Yes.  
18 (Exhibit 41 marked for identification.)  
19 BY MS. MURSHID:  
20 Q. Okay. Exhibit 41 is WMH000029 through -67. It's  
21 called Time Detail, parentheses, Excel. Do you  
22 recognize this document?  
23 A. Yes.  
24 Q. Okay. What is it?  
25 A. It looks like the person's employee number, the date,

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1 and the pay code that they -- that was entered for  
2 them and the hours for that -- for a specific time  
3 period.  
4 Q. Okay. Do you know which system this report would  
5 have come off of?  
6 A. I do not.  
7 Q. Okay.  
8 A. It looks like it could have come from Kronos or -- or  
9 a separate payroll report.  
10 Q. Okay.  
11 A. I don't know.  
12 Q. Okay. Do you know who would know?  
13 A. I do not. Unless supervisor might.  
14 Q. The supervisor?  
15 A. Yeah.  
16 Q. So this is Ms. Aguilera. She's in EVS. Would  
17 Ms. Wald know?  
18 A. I do not know.  
19 Q. Okay.  
20 A. I can't speak to that.  
21 Q. Okay. That's fine. It's enough that -- okay. So  
22 have you seen a report like this before?  
23 A. I have seen a report like this, but not in great  
24 detail.  
25 Q. Okay. The ID number that's listed here, is that the

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1 employee ID number that we talked about earlier?  
2 A. The employee number, yes.  
3 Q. Yeah. That would have been assigned to  
4 Ms. Aguilera --  
5 A. Upon hire.  
6 Q. Okay. --when she started?  
7 And it looks like this report dates back to  
8 the end of December 2010, right?  
9 A. Yes.  
10 Q. Okay. And pay code, you see FML EE. Do you know  
11 what that means?  
12 A. Family medical leave of an employee.  
13 Q. Okay. And then over on the side it says hours. Do  
14 you see where I'm looking, that first column that  
15 says hours?  
16 A. Yes. So eight hours of FMLA.  
17 Q. So that's how you're reading that report?  
18 A. That's how I read that.  
19 Q. Okay. And let's maybe flip to a page that wasn't  
20 FMLA. Let's go to page -31. You see at the top,  
21 2-15-2011? Would you just interpret that to mean  
22 that she worked eight hours on that particular day at  
23 the very top if there's no pay code?  
24 A. There's no pay code, so I would have to assume that  
25 she worked.

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1 Q. Okay. So if there's a pay code, then her hours were  
2 being provided by some other mechanism, PTO, FMLA?  
3 A. It appears that way. FMLA, PTO, or there's quite a  
4 few in here that says PTO as well.  
5 Q. Okay. And then -- and I'm just asking in your  
6 capacity as sort of HR having done this for a while,  
7 there's -- if you look, it says hours, and then it  
8 looks -- it says hours decimal. That's the column  
9 right next to it.  
10 A. Uh-huh.  
11 Q. It's not super clear on the first couple of pages,  
12 but if you go to, like, the third page, page -31, and  
13 the third entry on February 17th, it says -- it looks  
14 like hours 2:15 and then decimal 2.25?  
15 A. Uh-huh.  
16 Q. And do you think it's accurate that that means she  
17 worked for two hours and 15 minutes so she's getting  
18 paid two hours -- two and a quarter hours? Is that  
19 how you would read that?  
20 A. The way I would read that is that she may have either  
21 came in late or left early potentially, and those  
22 hours were -- those minutes were PTO hours to keep  
23 her whole, that's how I read it. Maybe I'm --  
24 Q. All right. I'm just asking, and I know you're not  
25 familiar with this report so maybe we'll have to --

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1 A. Because -- sorry. If you look at, again, -31, if you  
2 go a little bit further down on 3-2-2011, she had PTO  
3 three hours. So it's potential that she may have  
4 worked five hours and received -- and then got three  
5 hours of PTO.  
6 Q. Sure.  
7 A. It's possible that on the line that you had asked me  
8 about, she may have had PTO for either 15 minutes or  
9 25 minutes, I just don't know why it's different.  
10 Q. Okay. And I will -- you know, what we do here  
11 doesn't necessarily matter. It could just be that --  
12 well, if she had PTO, that would presumably be  
13 reflected in the pay code, right? And there's no pay  
14 code on there?  
15 A. That's PTO - 301.  
16 Q. Oh, okay.  
17 A. So I have to assume that it was --  
18 Q. Something happened there?  
19 A. Something happened where she needed PTO either early  
20 or --  
21 Q. Okay. But your understanding of this report is that  
22 it shows the hours that she was paid for on those  
23 particular days?  
24 A. I have to assume that, yes.  
25 Q. Now we talked earlier about her scheduled shift.

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1 It's from 4:00 to 12:30, which is an eight and a half  
2 hour shift?  
3 A. Yes.  
4 Q. Because the hospital automatically deducts a half  
5 hour. Is it correct to say that employees are then  
6 scheduled for 8.5 hours and paid for eight?  
7 A. That is correct.  
8 Q. All CNAs?  
9 A. All CNAs.  
10 Q. And all housekeepers?  
11 A. If that is their schedule. Some people may work a  
12 10-hour shift.  
13 Q. Okay.  
14 A. Again, I don't know if each one is a little bit  
15 different based on how they are scheduled.  
16 Q. Sure. So let me ask then in terms of the global  
17 policy. Because hourly employees have a half hour  
18 lunch automatically deducted from their paycheck, is  
19 it accurate to say that they are scheduled for an  
20 extra half hour?  
21 A. Yes.  
22 Q. Okay.  
23 A. No matter what hours they work.  
24 Q. Okay. So whether it's an eight-hour day or 10-hour  
25 day, they're scheduled an extra half hour?

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1 A. Yes.  
2 MS. MURSHID: Okay.  
3 (Exhibit 42 marked for identification.)  
4 BY MS. MURSHID:  
5 Q. Okay. I don't really know why the staple is on the  
6 top right. It's kind of weird. So so sorry about  
7 this. This is document, 42, WMH000001 through -28.  
8 Do you recognize this document?  
9 A. Yes. It looks like her -- Evangelina's pay records.  
10 Q. And do you know what system this report is run from?  
11 A. I believe it comes out of Lawson.  
12 Q. Okay. And can a report like this be run for every  
13 housekeeper?  
14 A. Yes.  
15 Q. Can a report like this be run for every CNA?  
16 A. Yes.  
17 Q. Is it exportable to Excel?  
18 A. I do not know.  
19 Q. Okay. Who has the power -- I guess, who has the  
20 ability to run this report?  
21 A. Payroll.  
22 Q. Payroll, okay. Same question for the last two  
23 exhibits that we looked at, who has the ability to  
24 run those reports?  
25 A. Payroll.

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1 Q. Anybody else other than Payroll?  
2 A. I am not aware of anyone else that would have access.  
3 Payroll is very limited for people to utilize. It's  
4 something -- it's not taken lightly.  
5 Q. Okay. Right. I understand.  
6 A. Yeah.  
7 Q. You don't want everybody willy-nilly running reports.  
8 A. Right.  
9 MS. MURSHID: I have never gotten  
10 willy-nilly on the record and I just did, twice.  
11 (Discussion held off the record.)  
12 BY MS. MURSHID:  
13 Q. Let's kind of walk through this here. I think some  
14 of this is rather self-explanatory. User name, you  
15 see on the front page, is that the person that ran  
16 the report, or is that -- would that be the person  
17 who ran the report, do you know?  
18 A. I do not know.  
19 Q. Okay.  
20 A. It looks that way because that's the same person that  
21 ran this report.  
22 Q. Okay.  
23 A. Item -- report 41, the user name is 23496 and seems  
24 to be the same thing, 23496.  
25 Q. Do you know who that is off the top of your head?

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1 A. I do not.  
2 Q. Okay. So this is a report that shows what for  
3 Ms. Aguilera then?  
4 A. It seems to show her pay stubs.  
5 Q. Okay.  
6 A. Or her pay. For example, the top from January 1st of  
7 '11 to November 1st of 2013.  
8 Q. Okay.  
9 A. Her -- what she has been paid on a biweekly basis and  
10 her deductions and such.  
11 Q. Okay. Are all housekeepers paid on a biweekly basis?  
12 A. Yes.  
13 Q. Okay. Are all CNAs paid on a biweekly basis?  
14 A. Yes.  
15 Q. Okay. So if we look here -- well, that looks like  
16 short-term disability. Let's go here. Okay. Flip  
17 to page -4 if you would for me. I am just going to  
18 try to read this to see if you agree. At the top it  
19 shows her employee number under employee and then her  
20 name. Do you see where I'm reading?  
21 A. Yes.  
22 Q. And then you see under earnings it says WMH PM?  
23 A. Yes.  
24 Q. Units 80. Accurate to assume that's 80 hours?  
25 A. Yes.

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1 Q. Okay. And then it says WMH OTP. Do you know what  
2 that stands for?  
3 A. I believe that's overtime paid.  
4 Q. Okay. So that's .5?  
5 A. That's a half an hour, yes.  
6 Q. Right. So then she would have been paid -- let me  
7 back up.  
8 Housekeepers are paid overtime for hours  
9 worked over 40 we already established, right?  
10 A. Yes.  
11 Q. And they're paid 1.5 times their hourly rate as their  
12 overtime rate; is that right?  
13 A. Yes.  
14 Q. Okay. And CNAs are also paid 1.5 times their hourly  
15 rate, correct?  
16 A. That's correct. Over 40 hours.  
17 Q. Over 40 hours in a workweek?  
18 A. Yes.  
19 Q. So here it looks like she worked 80.5 hours in that  
20 two-week period, and .5 of that was paid at an  
21 overtime rate, right?  
22 A. It appears that way.  
23 Q. Okay. And then the rest of this pay stub shows the  
24 deductions?  
25 A. Yes.

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1 Q. That are being taken out, right?  
2 A. Yes.  
3 Q. Okay. And if we look at the bottom, it looks like  
4 there's DIR DEP distribution. Do you know what that  
5 stands for?  
6 A. Direct deposit distribution into her bank account.  
7 Q. And that's her bank account information, right?  
8 A. Yes.  
9 Q. Okay.  
10 A. And after taxes her total amount.  
11 Q. Which would have been on this top stub 984.81,  
12 correct?  
13 A. Yes.  
14 Q. Can you please flip to page -6 for me.  
15 A. Sure.  
16 Q. At the bottom, that last line item, it says earnings  
17 and then it says WMHProSh. Do you know what that  
18 stands for?  
19 A. That stands for ProShare.  
20 Q. Which is what?  
21 A. If I understand correctly, that's a bonus that people  
22 receive once a year.  
23 Q. What is it based on?  
24 A. Organization's financial goal.  
25 Q. Okay. So how is that allocated?

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1 A. That I don't know.  
2 Q. Who would know that?  
3 A. Nicole Berlowski.  
4 Q. Okay. Do all housekeepers get a ProShare bonus?  
5 A. All employees, yes. There may be some criteria  
6 around how long a person may be employed before  
7 they're eligible. I don't know the criteria.  
8 Q. Is that something Nicole would know?  
9 A. Yes.  
10 Q. And you think that's an annual bonus or you're not  
11 sure?  
12 A. There's an annual bonus, but only if the organization  
13 meets the financial goals and the board approves some  
14 sort of a distribution.  
15 Q. Okay.  
16 A. So it can vary from year to year. It could be none  
17 as well.  
18 Q. With the understanding that there are criteria, so  
19 for instance, perhaps tenure at the organization,  
20 would CNAs also be eligible for that bonus?  
21 A. Yes.  
22 Q. Okay. And housekeepers?  
23 A. Yes.  
24 Q. Okay. One of the topics that we listed in the  
25 30(b)(6) notice that we sent was whether any



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1 complaints, either administrative or in court, had  
2 been made against Waukesha Memorial. Do you have any  
3 information about whether or not any complaints have  
4 been filed against the organization?  
5 A. I am not aware of any.  
6 Q. Okay. What did you do to research that, if anything?  
7 A. I have researched it with Payroll.  
8 Q. Okay.  
9 A. And they have confirmed that there haven't been any  
10 complaints received.  
11 Q. And do you mean internally, or are you talking about  
12 at all, like --  
13 A. At all.  
14 Q. Okay. So there's been no internal complaints about  
15 pay that you're aware of?  
16 A. That's correct.  
17 Q. Okay. And there's been no filings in the Department  
18 of Labor that you're aware of?  
19 A. That's correct.  
20 Q. There have been no filings in the Department of  
21 Workforce Development that you're aware of?  
22 A. Until this case.  
23 Q. Okay.  
24 A. Outside of this case, right?  
25 Q. Yes, not talking about this case.

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1 A. Okay.  
2 Q. I'm talking about any other cases.  
3 A. Correct.  
4 Q. And no state litigation you're aware of?  
5 A. No.  
6 Q. And no other federal litigation?  
7 A. No.  
8 Q. Okay. Who is responsible for ensuring compliance  
9 with state and federal wage laws?  
10 A. Human Resources and Payroll.  
11 Q. Okay. So Human Resources, is that something that  
12 falls under your purview or Mike's purview?  
13 A. Mike.  
14 Q. Mike's?  
15 A. And Nicole.  
16 Q. Mike and Nicole, okay. Did you speak to them about  
17 the organization's compliance with state and federal  
18 wage laws in preparation for this -- in preparation  
19 for this deposition today?  
20 A. I did not.  
21 Q. You did not, okay. Have you ever had any  
22 conversations with them about compliance?  
23 A. I did not.  
24 Q. No?  
25 A. Because the policy is in place, and we enforce the

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1 policy.  
2 Q. Okay.  
3 A. And I assume that we are in compliance given that  
4 there hasn't been any complaints that I'm aware of or  
5 I heard about.  
6 Q. So when you said you spoke to Payroll about  
7 complaints, who specifically did you talk to?  
8 A. Erica Umbach.  
9 Q. And she's the only person that you talked to with  
10 regard to complaints?  
11 A. I discussed it with Lisa Wald.  
12 Q. And was Lisa aware of any complaints?  
13 A. No.  
14 Q. Did you talk to Sue Oliver about it?  
15 A. I did not.  
16 Q. So it's possible that there may have been complaints  
17 to Sue that you're not aware of?  
18 A. Prior to my employment with them, with ProHealth,  
19 possible. Since my employment, there hasn't been any  
20 because I would have been aware.  
21 Q. Okay. So you're not aware of any since the time that  
22 you started?  
23 A. That's correct.  
24 Q. And then you spoke to Lisa about complaints that  
25 would have come from the EVS Department prior to your

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1 employment?  
2 A. That's correct.  
3 Q. You didn't speak to Sue about prior complaints from  
4 the CNAs?  
5 A. I did not.  
6 Q. Okay. Do you know if there -- other than your  
7 knowledge that Mike and Nicole are responsible for  
8 compliance with state and federal wage laws, do you  
9 know how they make sure they're compliant?  
10 A. The attendance of various workshops --  
11 Q. Okay.  
12 A. -- legal workshops that occur during the year, and  
13 the newsletters that come through from the  
14 organizations that we belong to such as Management  
15 Resources, Society of Human Resource Management, and  
16 of course our legal firm would send us information if  
17 something is changing that we need to be aware of.  
18 Q. Okay. And are you familiar with how they take that  
19 information and process it to ensure compliance?  
20 A. I'm not.  
21 Q. So if I wanted to know about that, I would need to  
22 talk to Mike and/or Nicole?  
23 A. Yes.  
24 Q. What is the role of the Environmental Services  
25 Department?



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1 A. To ensure that the patient rooms are cleaned and  
2 multiple other duties, but it's primarily ensuring  
3 that the facility is clean for the patients or -- and  
4 the rooms or whole building.  
5 Q. Okay. And who is responsible for -- well, let me ask  
6 this. Does each department have a budget?  
7 A. Yes.  
8 Q. Okay. And who's responsible for managing the EVS  
9 budget?  
10 A. Chris Williams --  
11 Q. Okay.  
12 A. -- as the vice president is overall responsible.  
13 Q. Okay. And then anybody else have input in that?  
14 A. It would be the department manager.  
15 Q. Rick Swan?  
16 A. Rick Swan working collaboratively with the  
17 supervisors. I would anticipate that they work  
18 together to create the budget and then get it  
19 approved with their next level.  
20 Q. Okay. So they put together a budget, and then it  
21 goes sort of up the chain through the approval  
22 process?  
23 A. Correct. Including finance.  
24 Q. Including finance and the CFO?  
25 A. It wouldn't go as far as the CFO, but it would go to

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1 the Director of Finance.  
2 Q. Okay.  
3 A. Who's managing the budget process.  
4 Q. When was the EVS Department established?  
5 A. Probably the same time as the hospital.  
6 Q. Okay. So much prior to 2010?  
7 A. Yeah.  
8 Q. And I think we've established this, but all  
9 housekeepers are part of the EVS Department, correct?  
10 A. Yes.  
11 Q. There's no housekeepers that are housed, if you will,  
12 in any other department?  
13 A. Nope.  
14 Q. Okay. And those housekeepers first report to a team  
15 leader?  
16 A. A team lead -- they don't report to a team lead.  
17 Q. Okay.  
18 A. Team lead's role is to help them if they need  
19 guidance about their role, but they report to a  
20 supervisor or a manager.  
21 Q. Okay. So the first line of reporting for them is  
22 then a supervisor?  
23 A. Yes.  
24 Q. And then the next line of reporting would be the EVS  
25 manager?

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1 A. That's correct.  
2 Q. Okay. And this organizational chart that we talked  
3 about previously has the names of those individuals,  
4 correct?  
5 A. Yes.  
6 Q. It's up-to-date?  
7 A. Yes.  
8 Q. Yes, okay.  
9 A. Well, up-to-date as of yesterday.  
10 Q. Okay. That's good enough.  
11 A. Okay.  
12 Q. Well, unless somebody got fired yesterday.  
13 A. Yes.  
14 Q. Did somebody get fired yesterday?  
15 A. Yes.  
16 Q. Oh. Who got fired?  
17 A. Rick Swan.  
18 Q. Okay, Rick Swan. Why did he get fired?  
19 A. He was in a performance improvement plan for several  
20 months, and he did not improve through the process.  
21 Q. And is there an interim person in that position now?  
22 A. Randy Sparrow is the one that's going to oversee the  
23 department until there's a backfill.  
24 Q. Okay. And so will you hire somebody internally or  
25 externally?

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1 A. Whatever he decides, yes.  
2 Q. Okay. Except for Mr. Swan then, this is accurate?  
3 A. Yes.  
4 Q. Okay. Who made the decision to terminate him, was  
5 that Randy Sparrow?  
6 A. Yes.  
7 Q. In consult with HR or no?  
8 A. Yes.  
9 Q. Yes?  
10 A. Yes.  
11 Q. In consult with you specifically?  
12 A. In consult with Lisa and I specifically.  
13 Q. Thank you. How many housekeepers are currently  
14 employed by Waukesha Memorial?  
15 A. I believe there's 138. Again, I'm just getting off  
16 the top of my head.  
17 Q. Approximately?  
18 A. Approximately.  
19 Q. If I wanted to know that exact number, who would  
20 know?  
21 A. I can ask Lisa to run a report, or I can ask someone  
22 else within a department who does data analysis, and  
23 we could run that report.  
24 Q. What system would you run that report off of?  
25 A. It would be Lawson because it's run by titles. We

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1 would run it by the title.  
2 Q. Oh, okay.  
3 A. Housekeeper, how many.  
4 Q. Got it.  
5 A. We would do the same for CNA.  
6 (Exhibit 43 marked for identification.)  
7 BY MS. MURSHID:  
8 Q. So this is -2797 through -2800. Is this the report  
9 you were just referring to?  
10 A. Yes.  
11 Q. So this would be -- it looks like under description  
12 it says certified nursing assistant, correct?  
13 A. Correct.  
14 Q. So you could run a report just like this for  
15 housekeepers?  
16 A. Yes.  
17 Q. And any other employee?  
18 A. Yes.  
19 Q. Okay. While we're looking at this, this report shows  
20 the department name where CNAs work. Do you see that  
21 column?  
22 A. Yes.  
23 Q. And then the description, right?  
24 A. That's their title.  
25 Q. And at the far right it says their supervisor?

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1 A. That's correct.  
2 Q. And my first question is, this is a list of every CNA  
3 currently employed as of March 20, 2014, right?  
4 A. Yes.  
5 Q. And then this would be a reflection of all the  
6 departments within which CNAs are assigned?  
7 A. That is correct.  
8 Q. Are these all of the departments that fall under Sue  
9 Oliver's purview as HR business manager -- no?  
10 A. Business partner.  
11 Q. Business partner.  
12 A. It looks like it, yes.  
13 Q. Okay. Thank you. And then the supervisor's names,  
14 are those supervisors, are they CNA supervisors or  
15 are they --  
16 A. They're supervisor of the department where they have  
17 service people working, so not just CNAs but nursing.  
18 Q. Okay. So for -- I think it's last name first. For  
19 this first person, Olin Yauchler?  
20 A. Yes.  
21 Q. 1SE. He's the supervisor of 1SE?  
22 A. For 1 Southeast within the hospital, and these are  
23 the nursing assistants that would directly report to  
24 Olin.  
25 Q. What is his job -- his or her job title, if you know?

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1 A. I don't know.  
2 Q. Okay.  
3 A. Might be manager, might be supervisor. I do not  
4 know.  
5 Q. Is that person an RN?  
6 A. I don't know.  
7 Q. You don't know?  
8 A. I don't know.  
9 Q. Okay. How would I find that information?  
10 A. We could run another report that would say what the  
11 title of that particular manager is. I know Karen  
12 Cacciotti, the one lower on the highlighted.  
13 Q. Uh-huh. Oncology.  
14 A. She's a nurse and manager of that Oncology  
15 Department. I've never met Olin, that's why I can't  
16 speak to it.  
17 Q. Okay.  
18 A. I can speak to Karen.  
19 Q. Anyone else that you know off the top of your head?  
20 A. Cindy Bohlman, manager that was under Karen  
21 Cacciotti. Barb Olstad, manager. I never met  
22 Geneva. I believe she's a manager, too. Dawn  
23 Greeson and Jane Smeaton, manager. It looks like  
24 these are all managers then.  
25 Q. And when you say manager, that person -- does that

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1 person have to be a nurse as well?  
2 A. On a nursing floor typically.  
3 Q. Okay. Maybe we can talk through what each of these  
4 departments mean. Can we go through that really  
5 quick since I have you?  
6 A. Sure.  
7 Q. So what's 1 Southeast?  
8 A. It's nursing floor. I'm not exactly sure whether it  
9 is behavioral health, but it could be just off the  
10 top of my head.  
11 Q. Okay. So on a nursing floor, the manager of that  
12 floor is always going to be a nurse?  
13 A. Yes.  
14 Q. Okay.  
15 A. I have to assume that.  
16 Q. Okay.  
17 A. I've not known a nursing floor where it hasn't been a  
18 nurse that managed the floor.  
19 Q. Who makes those decisions in terms of organizational  
20 structure?  
21 A. The organizational structure for each department?  
22 Q. Well, I mean, I guess I'm asking, like, is it the  
23 policy of the hospital that every nursing floor has a  
24 manager that's a nurse?  
25 A. I don't think that's a policy.

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1 Q. Okay.  
2 A. I think that's the desired state.  
3 Q. Okay. That's fair enough. The desired state of  
4 somebody in charge?  
5 A. That's correct.  
6 Q. Okay. Healthcare unit I feel like is -- or heart  
7 care unit, rather self-explanatory?  
8 A. Yes.  
9 Q. Okay. Oncology, also explanatory?  
10 A. Yes. 5 Southwest is a medical/surgical unit, and the  
11 same is 5 Northwest.  
12 Q. Medical/surgical?  
13 A. Yes.  
14 Q. Okay. LDRP?  
15 A. Labor and delivery.  
16 Q. I was there recently, not at Waukesha Memorial.  
17 NICU is neonatal intensive care, right?  
18 A. Yes.  
19 Q. What is W&C?  
20 A. What is W&C? See, I don't know because -- oh, women  
21 and children.  
22 Q. Women and children?  
23 A. Yes.  
24 Q. Okay.  
25 A. I had to think about that for a minute.

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1 Q. 4 Northwest is ortho/neuro I know because that's  
2 where Angelina was. Is that still the case?  
3 A. Yes.  
4 Q. GI, gastrointestinal?  
5 A. Yes.  
6 Q. All right. 4SW?  
7 A. It's the same as same as 4 Northwest.  
8 Q. Ortho/neuro?  
9 A. Yes. It's just a different wing.  
10 Q. Okay. E Med?  
11 A. That's basically 4 East, which is also med/surgical.  
12 Q. Okay. Ambulatory care, so that's --  
13 A. That's more -- I don't know what that stands for.  
14 I'm sorry. I know what ambulatory care is, I just  
15 don't know -- I don't know Susan Flottum-Zurcher.  
16 Q. Is it a department?  
17 A. It is a department.  
18 Q. Okay. What's PACU?  
19 A. PACU is yet another department she's responsible for,  
20 but it's -- I don't know what it stands for. I don't  
21 know what it stands for.  
22 Q. Okay. If you remember, let me know.  
23 A. Okay.  
24 Q. All right. And then there's what appears to be  
25 float?

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1 A. There's nursing float pool.  
2 Q. So Debra Lyman is responsible for the floaters?  
3 A. Yes.  
4 Q. Okay. We got a little off track here. We'll use  
5 that a little later. But what we were actually  
6 talking about is the number of housekeepers, and you  
7 said there was 138. Who's responsible for  
8 determining the staffing needs and the number of  
9 housekeepers employed?  
10 A. It is the department.  
11 Q. So Randy Sparrow I think until yesterday in  
12 conjunction with Rick Swan?  
13 A. They determine what staffing they need based on the  
14 volumes for the hospital.  
15 Q. Okay. And then do they work with Ms. Wald or --  
16 A. They would work with Finance.  
17 Q. They would work with Finance?  
18 A. Yes.  
19 Q. Okay. If they needed to increase that number?  
20 A. That's correct.  
21 Q. Or decrease it?  
22 A. If it's a decrease, if it means an elimination of a  
23 position because of a decrease, then they would also  
24 work with HR. If it's just adjusting schedules, they  
25 would not work with HR.

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1 Q. And when you say adjusting schedules, what do you  
2 mean?  
3 A. Sometime there's ATO, that's time off for not having  
4 enough patients to take care of, so the person can --  
5 they may be scheduled to work eight hours, but there  
6 is not enough work so they are given an opportunity  
7 to leave. They're sent home.  
8 Q. What does ATO stand for?  
9 A. It's in here.  
10 Q. Okay.  
11 A. It's time off.  
12 Q. Something that starts with an A?  
13 A. Yes.  
14 Q. Is it in -- okay. We'll think about that.  
15 A. I'm sorry. I have that on the tip of my tongue.  
16 Q. That's okay. No worries. So those sort of  
17 day-to-day decisions are made by --  
18 A. By the department.  
19 Q. The department. Rick Swan? Randy Sparrow?  
20 A. That's correct.  
21 Q. Okay. Who actually hires housekeepers? Who does the  
22 interview process and extends offers?  
23 A. Lori.  
24 Q. Who's Lori?  
25 A. She is a recruiter within the HR Department, reports

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1 to Mike Blickhahn.  
2 Q. You know her last name?  
3 A. Lori -- is it Lawson? I don't know.  
4 Q. It's okay. It's okay. We will not tell anybody that  
5 you don't know the last name.  
6 A. Laura. Sorry, Laura.  
7 Q. Laura, okay. And how does that come to fruition?  
8 Randy Sparrow or Rick Swan would say we need to hire  
9 some new folks?  
10 A. There is a process in place.  
11 Q. What's the process?  
12 A. Once they determine there is a vacancy, then there is  
13 a form that the department manager fills out, goes  
14 through the approval process through Finance and a  
15 committee to make sure it's -- if they can rehire or  
16 refill or backfill or add. And once it's approved,  
17 then it comes to the recruiter, and then the  
18 recruiter fills the position internally and  
19 externally, and then the recruitment process begins.  
20 Q. Okay. And then I'm assuming is there like a  
21 screening interview or telephone screen?  
22 A. The recruiter would do a telephone screen, and then  
23 goes through a number of candidates. And the top  
24 candidates, sometimes two, sometimes four, depends  
25 how many she finds, she may schedule with the manager

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1 or supervisor. Each department has a different way  
2 that they might interview and who they want to  
3 include in the interview process. They would  
4 interview those candidates and then they, the  
5 department, would make the final determination as to  
6 who they want to hire.  
7 Q. Okay. So in EVS, do you know who actually met with  
8 housekeeping candidates?  
9 A. I do not.  
10 Q. Do you know who would know that?  
11 A. Supervisor.  
12 Q. Okay. And when you say the supervisor, do you mean  
13 the department manager or the actual first shift  
14 supervisors?  
15 A. The actual first shift supervisor.  
16 Q. Okay. So the one person that I'm taking to tomorrow  
17 would know that?  
18 A. Yes, she would.  
19 Q. Okay. What if somebody wants to terminate a  
20 housekeeper?  
21 A. Okay.  
22 Q. How is that done?  
23 A. It is done -- if it comes down to termination, if  
24 it's been determined that it's a termination --  
25 Q. And I guess who makes that determination?

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1 A. Well, depends on performance or attendance. Based on  
2 the policy and the progressive discipline process or  
3 if there's no improvement in performance after  
4 there's been the improvement plan in place, then the  
5 manager of that department or supervisor of that  
6 department discusses with their next level leader  
7 that there's no improvement or this is continuous,  
8 there's issues, and then they come to HR and present  
9 their case and we -- in this case for housekeeping  
10 they would come to Lisa Wald. Lisa would evaluate to  
11 make sure that there's documentation and there is --  
12 proper process have been followed before we would  
13 support the manager's desire to terminate someone.  
14 Q. Is it the same process for hiring for all  
15 housekeepers?  
16 A. Yes.  
17 Q. And is it the same process for termination for all  
18 housekeepers?  
19 A. Yes.  
20 (Exhibit 44 marked for identification.)  
21 BY MS. MURSHID:  
22 Q. This was produced by defense counsel. It's obviously  
23 the Environmental Services handbook. Have you seen  
24 this before?  
25 A. I have not.

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1 Q. You have not?  
2 A. I don't recall seeing it. It was pulled together as  
3 a document to be submitted here --  
4 Q. Okay.  
5 A. -- by Lisa, but I don't recall seeing it.  
6 Q. Okay.  
7 A. I may have, but then there's a lot.  
8 Q. There are quite a few documents, I will give you  
9 that. Okay. So this is -- is this something that  
10 Ms. Wald would have worked on with the EVS managers  
11 to put together?  
12 A. No.  
13 Q. No?  
14 A. This would be something that the department  
15 themselves would put together as a  
16 department-specific handbook.  
17 Q. Okay. And does Human Resources review this to ensure  
18 compliance with the other hospital-wide policies? I  
19 guess let me -- let me ask this way.  
20 A. I don't know because I have not --  
21 Q. You haven't seen this?  
22 A. This must have been in place for a while, so I'm not  
23 certain if HR was ever involved in reviewing this  
24 before this was --  
25 Q. Disseminated?



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1 A. -- disseminated. Correct.  
2 Q. Okay. So let me ask this. EVS is permitted to have  
3 an employee handbook?  
4 A. Certain departments have department-specific  
5 guidelines, or as they call it, a handbook.  
6 Q. Okay.  
7 A. That outlines what is their expectations within that  
8 particular department and they document that.  
9 Q. Okay.  
10 A. It's outside of the organization-wide policy. It's  
11 the exact department specific.  
12 Q. Okay. EVS has that?  
13 A. Uh-huh.  
14 Q. What other departments have department-specific  
15 guidelines?  
16 A. There may be call-in guidelines in a call center. I  
17 have not seen them, but it's possible that there are  
18 specific guidelines that are specific to the  
19 department. Calling in, if they're not going to be  
20 in, those kind of procedures. I don't know if  
21 they're documented differently.  
22 Q. All right. I understand what you're saying. So in  
23 the example that you just gave, it would -- you know,  
24 if you work second shift, you call John Doe to report  
25 that you're not going to be in to work that day; is

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1 that what you mean?  
2 A. That's what I was referring to. It may also be  
3 written in a specific policy in here.  
4 Q. I understand. All right. Well, let's back up. So  
5 the department-wide -- sorry. The hospital-wide  
6 policies that we discussed today --  
7 A. Yes.  
8 Q. -- time keeping, compensation, information relating  
9 to Kronos, expectations that are listed in the  
10 orientation materials, those are hospital-wide and  
11 they apply to all housekeepers, correct?  
12 A. All employees.  
13 Q. All employees?  
14 A. All CNAs, all employees.  
15 Q. Regardless of whether or not there is a  
16 department-specific instruction or handbook; is that  
17 correct?  
18 A. That's correct.  
19 Q. And that's also the case for CNAs?  
20 A. That is correct.  
21 Q. And then to the extent that there are  
22 department-specific instructions, those are created  
23 by department leaders, in this case EVS Department  
24 director and manager?  
25 A. Correct.

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1 Q. Okay. Would Chris Williams as the sort of VP of  
2 whatever he is the VP of -- quality?  
3 A. Uh-huh.  
4 Q. Would he have had any involvement in this -- in  
5 creation of this document or the policies, if you  
6 know?  
7 A. I don't know for certain, but he's also new in the  
8 organization. So if this document has been in place  
9 longer than -- I mean, he started in -- summer last  
10 year. Then, no, he would not have been. But it  
11 appears that this document, at least the content  
12 information, has been updated to include his name  
13 when he was hired.  
14 Q. Okay.  
15 A. I have to assume that.  
16 Q. And then you can see on page -229 there's a list of  
17 phone numbers here.  
18 A. Yes.  
19 Q. Okay.  
20 A. As a department, as you know on the department  
21 checklist that we talked about previously, when  
22 there's a department orientation, I have to assume  
23 that this is what the manager or supervisor uses to  
24 orientate employees to the rules within the  
25 department or guidelines within the department.

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1 Q. Okay. So the expectation then is on that orientation  
2 checklist that we talked about, the managers will  
3 make sure that the employees are familiar and trained  
4 with all of the hospital-wide policies?  
5 A. Uh-huh.  
6 Q. Okay. And then if there are -- if there's specific  
7 departmental information, they provide that at that  
8 time as well?  
9 A. Yes.  
10 Q. And by they, I'm sorry, I mean --  
11 A. The supervisor.  
12 Q. -- the supervisor or the manager responsible for  
13 completing the orientation?  
14 A. That is correct.  
15 Q. And that supervisor or manager went through a  
16 training process through HR to be able to make sure  
17 that they complete that orientation properly?  
18 A. That's correct.  
19 Q. So -- and that -- did you call it, like, leadership  
20 training?  
21 A. New leader orientation.  
22 Q. New leader orientation. So that's facilitated by HR?  
23 A. Yes.  
24 Q. And HR in that training does what?  
25 A. HR in that training reviews all the policies that are



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1 relevant for managing employees as well as the  
2 regulatory policies and safety policies, the  
3 strategies of the organization. So there's a number  
4 of different topics that are covered to supplement  
5 the new employee orientation for managers.  
6 Q. Are there documents associated with that leadership  
7 development?  
8 A. Leadership orientation.  
9 Q. I don't know why I can't remember that. Yes?  
10 A. Yes. They're given an actual binder of information.  
11 Q. And then they use that to train employees when they  
12 come in and are oriented to the department?  
13 A. The manager --  
14 Q. Yes.  
15 A. -- is trained on how to be effective as a manager.  
16 What they train the employees to do is what is  
17 expected of them in their role.  
18 Q. Okay.  
19 A. So --  
20 Q. Including the explanation of policies and procedures  
21 that apply to the employee being trained?  
22 A. Within that -- their area, yes. If there -- the  
23 overall, they get that in orientation, but if there's  
24 anything specific to that specific department, then  
25 it's the supervisor or manager that reviews that with

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1 the employee in the department.  
2 Q. Is all that in writing, those -- I mean, is there an  
3 expectation that anything department specific would  
4 be in writing?  
5 A. No. Not that I'm aware of.  
6 Q. Okay. There are some references to OMH.  
7 A. Oconomowoc Memorial Hospital.  
8 Q. Okay. And that is those department policies?  
9 A. Applies to them as well.  
10 Q. Applies to them as well?  
11 A. The same, yes.  
12 Q. Okay. Now we're back. This handbook, questions I  
13 have about how it's distributed, et cetera, and then  
14 the information contained in here, is that something  
15 that I should speak with Ms. Thornburg about --  
16 A. Yes, please.  
17 Q. -- tomorrow?  
18 A. Yes.  
19 Q. So you're not familiar with --  
20 A. I'm not familiar with. I know that they have this.  
21 Q. Okay.  
22 A. I don't know who puts it together.  
23 Q. Okay.  
24 A. But it is their department guideline in addition to  
25 the policies and procedures that the organization

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1 has. Their expectations of employees within that  
2 department.  
3 Q. Let me ask this. If there was a performance  
4 improvement plan or some sort of move towards  
5 termination, could managers in Environmental Services  
6 use the information contained in this handbook and  
7 failure to follow this handbook as the basis for  
8 termination?  
9 A. There's more to it than that.  
10 Q. Okay.  
11 A. If -- if they don't follow safety procedures and  
12 it's -- if it's outlined in here.  
13 Q. Uh-huh.  
14 A. Then they would potentially be retrained, and if they  
15 still fail, then they may lead to termination. You  
16 may work with the safety department to help them  
17 determine whether the termination should occur.  
18 Q. Okay.  
19 A. If it's attendance, if there is something specific,  
20 we have an overarching attendance policy, but if we  
21 have attendance that's specific to the department,  
22 then that would be followed.  
23 Q. Okay.  
24 A. And if it's continually abused, then, yes, a person  
25 could be terminated.

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1 Q. Okay. So the information contained in this handbook  
2 could be relied upon and brought to, for instance,  
3 Ms. Wald in the event that a manager was trying to  
4 make the case for termination if there was, like, a  
5 pattern of behavior?  
6 A. Could be as long as it's still following the  
7 progressive policy.  
8 Q. Okay.  
9 A. HR wouldn't approve anything unless there was proper  
10 documentation and proper discussion and alignment  
11 with our overarching policy.  
12 Q. Is there an overarching progressive discipline  
13 policy?  
14 A. Yes.  
15 Q. Okay. And does it look like that compensation policy  
16 that we looked at and the time recording policy that  
17 we looked at?  
18 A. The coaching, the verbal, yes. It's the progressive  
19 process.  
20 Q. Okay. Is there a separate policy document that sort  
21 of outlines that, or is it just contained in another  
22 policy?  
23 A. The attendance policy and the discipline policy are  
24 the ones that -- I know the attendance policy we  
25 didn't have that we can get for you.

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1 Q. And I don't think we have a copy of the discipline  
2 policy either.  
3 A. And there is a policy, a discipline policy, as well.  
4 Q. Okay. This handbook and the information contained in  
5 it are put together by the management of EVS. We've  
6 already established that.  
7 A. Yes.  
8 Q. Is there an expectation then that EVS employees will  
9 comply with the policies or guidelines outlined in  
10 this handbook?  
11 A. Yes.  
12 Q. Okay. Are you aware that one of the requirements in  
13 this handbook is that housekeepers carry either a  
14 walkie-talkie or a pager or a cell phone?  
15 A. Yes.  
16 Q. And that -- well, I'm going to ask you this, but stop  
17 me if this is something better addressed to  
18 Ms. Thornburg. How long has that requirement been in  
19 place?  
20 A. That I do not know.  
21 Q. Okay. Do you know if it was pre2010?  
22 A. I do not know.  
23 Q. Do you know who implemented that policy?  
24 A. I do not know.  
25 Q. Okay. Are you familiar with how it is -- works on a

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1 day-to-day basis?  
2 A. Yes.  
3 Q. Okay. Can you describe how that works or your  
4 understanding of how it works?  
5 A. My understanding is that when a person comes into  
6 work, they can use their card to swipe in, and then  
7 they obtain a little phone or pager, which is  
8 directly next to the clock, the Kronos clock, as well  
9 as next to the log-in, the manual log, and they check  
10 it out.  
11 Q. Okay.  
12 A. And they write down what the number of that little  
13 phone or little ID is, and they go to work. And at  
14 the end of the day they turn it in.  
15 Q. Okay. Is that -- I don't know if I -- I'll use this  
16 word, but correct me if I'm wrong. It's not a  
17 hospital-wide policy that -- because that -- that  
18 policy didn't come from HR; is that correct?  
19 A. That's correct.  
20 Q. It came directly from EVS managers?  
21 A. If -- that's the way that they get a hold of or work  
22 with their people. So if they need to get a hold of  
23 someone, they may use that pager.  
24 Q. Yeah. So what I'm asking is sort of globally. The  
25 fact that they carry that communication device,

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1 that's a requirement that was put in place by the EVS  
2 Department, correct?  
3 A. I believe so.  
4 Q. Okay. And that's something that the EVS Department  
5 has the power to do?  
6 A. Yes.  
7 Q. Okay. And then the subsequent implementation of that  
8 is also something that the EVS Department has the  
9 power to do?  
10 A. Yes.  
11 Q. Okay.  
12 A. They determine how to best manage the workforce they  
13 have and how to best communicate the most efficient  
14 way.  
15 Q. Within the confines of the organizational structure?  
16 A. That's correct.  
17 Q. Which ultimately goes up and comes from the top down?  
18 A. That's correct.  
19 Q. Okay. The hospital uses Epic as well; correct?  
20 A. That's correct.  
21 Q. So we talked about Kronos and we talked about Lawson  
22 and how those two work together. What does the  
23 department -- sorry. What does the hospital use Epic  
24 for?  
25 A. That's the employee -- patient health record.

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1 Q. What doesn't it use Epic for, right?  
2 A. That's for a lot of things.  
3 Q. Yes.  
4 A. That's basically a central place to manage the  
5 patient's health record. That's an electronic health  
6 record that certain people have access to.  
7 Q. Okay. And is it used for any employee-based  
8 information? Does it contain any employee-based  
9 information, anything related to Human Resources or  
10 employee jobs?  
11 A. I do not know that.  
12 Q. Okay. Housekeepers have a job description?  
13 A. Yes.  
14 Q. Okay. Who creates that job description?  
15 A. The department leader or the manager or the --  
16 manager would update the job description or create it  
17 if they need a new role.  
18 Q. And is that something that's done in conjunction with  
19 Ms. Wald or HR?  
20 A. It's in conjunction with HR, but primarily with Total  
21 Rewards, with Nicole's group.  
22 Q. And why would Total Rewards be involved in that?  
23 A. Because they price the position appropriately based  
24 on what range it should be placed in and to make sure  
25 that it's consistent with other job descriptions.

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1 Q. Under the way that this organization chart is laid  
2 out, I'm -- and correct me if I'm wrong, I'm reading  
3 this to mean that housekeepers sort of are the  
4 bottom?  
5 A. Yes.  
6 Q. They report to -- they don't report to their team  
7 leaders, but they work in conjunction with the team  
8 leaders, right?  
9 A. Yes, yes.  
10 Q. And then the team leaders report to the shift  
11 supervisor?  
12 A. That's correct.  
13 Q. And then the shift supervisor reports to the EVS  
14 manager, which until yesterday was Rick Swan?  
15 A. That's correct.  
16 Q. And that person reports to the Food Nutrition  
17 Director, Randy Sparrow?  
18 A. Yes.  
19 Q. Okay.  
20 A. And Randy in turn reports to Chris Williams.  
21 Q. Yes, Mr. Williams. And then we kind of talked about  
22 sort of going up the chain after that?  
23 A. Correct.  
24 Q. This was Exhibit 12. Do you recognize this set of  
25 documents?

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1 A. I was shown this --  
2 Q. Okay.  
3 A. -- as part of -- these are the Epic screens.  
4 Q. Okay.  
5 A. By Ms. Thornburg who's going to be talking to you  
6 tomorrow, but --  
7 Q. Okay. So Epic is used in some respects to manage  
8 employees then, it's not just patient records?  
9 A. No, it's not just patient records.  
10 Q. Okay.  
11 A. So if -- I misunderstood your question, previously.  
12 Q. There may have been an unartful question.  
13 A. Yes. Epic is used in -- to also identify if a person  
14 is assigned to work at a certain area, that -- for  
15 example, housekeeping is able to identify where that  
16 person is.  
17 Q. Uh-huh.  
18 A. And if that person is done with the particular room,  
19 then that person calls or logs into Epic and can log  
20 themselves out so that it shows that they're  
21 available to work on a different assignment.  
22 Q. Okay.  
23 A. And it may even show them -- I think it may even show  
24 them where they can go next.  
25 Q. On Epic?

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1 A. On Epic. If they're assigned for a specific room,  
2 but -- but I don't --  
3 Q. So probably better to talk to Ms. Thornburg about  
4 this one?  
5 A. Yes, yes.  
6 Q. Okay.  
7 A. She just walked me through the process once.  
8 Q. Okay. So when did Epic get put into place for  
9 housekeepers?  
10 A. It was my understanding it's been in place for about  
11 a year.  
12 Q. Okay. And prior to that, do you know what system was  
13 used, if any?  
14 A. I do not. I don't know if there was any other system  
15 used other than maybe still the same call.  
16 Q. Okay.  
17 A. I don't know.  
18 Q. So it's still the case that -- well, let's see. How  
19 long have -- did I already asked you this? May have  
20 already asked you this. How long have housekeepers  
21 been required to carry a communication device? Did  
22 that predate 2010?  
23 A. You asked me that question, and I didn't know.  
24 Q. Okay.  
25 A. I didn't know.

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1 Q. I'm going to ask Ms. Thornburg.  
2 A. They may have always had it, I just don't know.  
3 Q. But now they do have it currently since you've been  
4 there?  
5 A. Since I've been there, they've had it.  
6 Q. And --  
7 A. And since I've been there, they've also been using  
8 Epic.  
9 Q. And Epic works in some way to track where the  
10 housekeepers are?  
11 A. That is correct, whether they're working or whether  
12 they are not available because they're working on  
13 something else.  
14 Q. Okay. And there is a number that housekeepers call,  
15 61100 or something. You talked about that with  
16 Ms. Thornburg?  
17 A. Yes, yes.  
18 Q. Okay. But your familiarity with that is limited to  
19 the discussion that you had with her?  
20 A. Yes. Because basically she just showed me what one  
21 does and how it shows up. I don't know how it  
22 functions.  
23 MS. MURSHID: Okay. Sorry. I'm just  
24 making notes so I remember what to ask her tomorrow.  
25 Can we take a five-minute break?

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1 MR. LIED: Yeah.  
2 (Break taken from 2:47 p.m. to 2:53 p.m.)  
3 BY MS. MURSHID:  
4 Q. Let me start by saying this, there are several  
5 documents that have been provided to us, like the  
6 schedule for which housekeepers work which shift and  
7 who's on vacation, the sign-out sheet for the pagers,  
8 some department-specific agendas. Are you familiar  
9 enough with the department's inner workings to talk  
10 to me about those, or is that something that I should  
11 talk to Ms. Thornburg about?  
12 A. I think it would be best for you to talk to  
13 Ms. Thornburg about those.  
14 Q. Okay. Then let me back up and ask this question.  
15 Those decisions are all made at the department level,  
16 correct?  
17 A. That's correct.  
18 Q. But those department leaders are acting within their  
19 official capacity as managers and supervisors of the  
20 hospital, correct?  
21 A. Yes.  
22 Q. Yes?  
23 A. Yes.  
24 Q. Okay. And so they are well within their power to,  
25 for instance, come up with an employee handbook to

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1 advise employees of those department policies and  
2 procedures?  
3 A. Yes. To orientate them to the inner workings of the  
4 department.  
5 Q. And to establish those inner workings of the  
6 department?  
7 A. That's correct.  
8 Q. And it's the expectation that -- it's the expectation  
9 of the hospital as a whole that housekeepers would  
10 abide by the -- both the department-specific policies  
11 as well as the hospital-wide policies?  
12 A. Yes.  
13 MS. MURSHID: Just took out, like, three  
14 pages. Let me go through a couple things.  
15 (Exhibit 45 marked for identification.)  
16 BY MS. MURSHID:  
17 Q. I think this is several different versions of the EVS  
18 job description. It seems to have gone through a few  
19 different iterations. I just want to confirm a  
20 couple of things. You can kind of tell. I think  
21 there's three different versions here. You can kind  
22 of tell where the new versions start, right?  
23 A. Uh-huh. Yes.  
24 Q. And we talked about how this works. The changes  
25 would have -- let me not put words in your mouth.

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1 Is it -- my understanding of your prior  
2 testimony was that the job descriptions are managed,  
3 for lack of a better word, by the EVS managers?  
4 A. The content is created by the EVS managers.  
5 Q. Okay.  
6 A. The format and the pricing is managed by HR.  
7 Q. Okay. Thank you. And so to the extent that there  
8 are changes reflected between these three versions of  
9 the housekeeping job description, or I guess it's  
10 Environmental and Building Services, BUILDING SERVICE  
11 WORKER, then it was changed to environmental services  
12 associate, and now it's housekeeper. Those changes  
13 have been made by the EVS manager working in  
14 conjunction with HR and Compensation?  
15 A. That is correct.  
16 Q. The same job description, though, would apply to all  
17 housekeepers?  
18 A. Yes. The latest version, obviously.  
19 Q. The latest version, obviously. The one that's in  
20 effect?  
21 A. Yes.  
22 (Exhibit 46 marked for identification.)  
23 BY MS. MURSHID:  
24 Q. I am going to go back for one second. Not asking you  
25 about this document that I just handed you quite yet.

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1 We talked about -- let me ask this. Environmental  
2 Services, is that a department that staffs both  
3 Waukesha Memorial and did you say Oconomowoc?  
4 A. Yes.  
5 Q. So that EVS Department applies to both hospitals?  
6 A. Yes, it does.  
7 Q. And then all department policies would apply to WMH  
8 and OMH?  
9 A. Yes, it does.  
10 Q. And then the HR policies then apply hospital-wide at  
11 Waukesha Memorial and Oconomowoc Memorial Hospital?  
12 A. Yes, it does.  
13 Q. And the same -- there's no differences in terms of  
14 Kronos?  
15 A. No.  
16 Q. Or any other distinctions that need to be made based  
17 on what we've -- what you've already testified to  
18 today?  
19 A. There should be no differences. There are no  
20 differences.  
21 Q. Thank you. Okay. This document is 46, Exhibit 46,  
22 and it is WMH001450 to -1452. Do you know what this  
23 is?  
24 A. It looks like a list of Evangelina's breaks that she  
25 has taken from January 21, 2014 all the way back to



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1 March 13th of 2013.  
2 Q. Do you know what report this system was run from?  
3 A. Given that a person doesn't swipe out for -- in  
4 Kronos for a break, I would have to assume this came  
5 out of Epic.  
6 Q. Okay. You're not -- you don't know for sure, or are  
7 you --  
8 A. I can say for sure it came out of Epic.  
9 Q. You can say for sure it came out of Epic?  
10 A. Yes.  
11 Q. Okay. Can a report like this be run for all  
12 housekeepers?  
13 A. Yes.  
14 Q. Okay. Do you know how the information that forms the  
15 basis for this report is collected for housekeepers?  
16 A. It's collected in the system.  
17 Q. Okay. So sorry. That was an unartful question.  
18 Housekeepers are required to dial 61100 and  
19 go through this process. We've kind of talked about  
20 it a little.  
21 A. Yes.  
22 Q. To record a break, right?  
23 A. Yes.  
24 Q. That's an Epic system, correct?  
25 A. Yes.

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1 Q. That started you said for housekeepers about a year  
2 ago?  
3 A. Yes.  
4 Q. Okay. So if we look back at the first date of this  
5 on March 13, 2013, that was about a year ago, right?  
6 A. Yeah.  
7 Q. So if we were going to -- if we would kind of look at  
8 this report and say that this would record all of the  
9 breaks which Ms. Aguilera called in since the Epic  
10 system was in place for housekeepers, does that seem  
11 correct?  
12 A. That is -- that seems correct to me.  
13 Q. Okay. And it shows the break time, right?  
14 A. Uh-huh.  
15 Q. 27 minutes, 35 minutes, some are 251 minutes. She  
16 reported yesterday that sometimes she forgets to call  
17 back in and tell them that she's no longer on break,  
18 and so that's what she thought those larger breaks  
19 were. To your knowledge, are these the unpaid  
20 breaks, the 30-minute unpaid breaks?  
21 A. These would be either -- it doesn't appear to be  
22 30-minute breaks. It may be breaks that are part of  
23 the pay today, not the 30-minute unpaid. It could  
24 be, but the timing is -- the -- some are 20 minutes,  
25 some are shorter than that.

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1 Q. How would I know if these breaks are paid or unpaid?  
2 A. I don't know.  
3 Q. Okay.  
4 A. On this report, I couldn't tell you.  
5 Q. Okay. So it looks here if you look, there's just  
6 one, it looks like one break per day --  
7 A. Yes.  
8 Q. -- right?  
9 And there --  
10 A. These appear to be their 30-minute lunch break.  
11 Q. Okay. But you can't tell based on this report if  
12 they're paid or unpaid?  
13 A. I can't.  
14 Q. Is there a way that Epic knows? Like, is there a way  
15 that we could run a report on Epic to see which  
16 breaks these are?  
17 A. I don't know that.  
18 Q. Okay. Do you know who would know?  
19 A. Ms. Thornburg will know.  
20 Q. Okay. But if you wanted to -- and I am officially  
21 asking you to speculate here. If you wanted to  
22 speculate, you think that these are representing the  
23 30-minute breaks, the unpaid 30-minute lunch break?  
24 A. It appears that way, yes.  
25 Q. Okay.

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1 A. And not in every case because it seems like some of  
2 them are much shorter than the 30 minutes. There's a  
3 couple of them that are 22 minutes, and some of them  
4 are much longer as well.  
5 Q. Okay. This you said was an Epic report. So if I  
6 wanted -- well, if I wanted a report like this for  
7 all housekeepers, who could run that report for me?  
8 A. The supervisor should be able to do that.  
9 Q. So the supervisor has access to this information on  
10 Epic?  
11 A. Yes.  
12 Q. Anybody else?  
13 A. Within the department, whoever -- the supervisor or  
14 manager who's trained in Epic.  
15 Q. Does HR have access to this information?  
16 A. No, HR is not trained in Epic.  
17 Q. Okay. So Epic is department specific?  
18 A. Yes. It's a health -- it's department specific that  
19 are -- has to do with patient-related areas. HR has  
20 no access. That is the reason why we don't know  
21 about Epic and what it looks -- I mean, I only know  
22 what it looks like from what was shown to me based on  
23 those previous exhibits you had given me.  
24 Q. Okay. So Ms. Thornburg would be able to talk to me  
25 about this?



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1 A. Yes.  
2 Q. Okay. You weren't working for Waukesha Memorial when  
3 Epic was implemented for housekeepers, though?  
4 A. No, I was not. Or for anyone. I think it was  
5 implemented the same time for everyone.  
6 Q. Oh, okay. So about a year ago?  
7 A. Yeah.  
8 Q. Okay. Who was in your position prior to you, if you  
9 know?  
10 A. No one.  
11 Q. No one?  
12 A. My position is newly created.  
13 Q. Oh, okay. Who did your job functions before you?  
14 A. My boss, Phil Kubow, the business partners reported  
15 to him directly.  
16 Q. Oh, okay. So he's happy you're here. Okay.  
17 A. Let's hope so.  
18 Q. Let's hope so, okay. In terms of what specific areas  
19 specific housekeepers clean and how those assignments  
20 are allocated, that's a Ms. Thornburg question as  
21 well?  
22 A. Yes. It's -- their department determines where the  
23 needs are.  
24 Q. The department determines the schedules and --  
25 A. Yes.

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1 Q. The department determines the agendas for -- well,  
2 let me ask this. If there is a policy change that  
3 comes from HR, we talked about that showed up on the  
4 I-Net?  
5 A. Yes.  
6 Q. Is there an expectation or a requirement that the  
7 department would have a meeting to discuss that  
8 change as well?  
9 A. If it impacts the employees, yes.  
10 Q. Okay.  
11 A. The managers are communicated that there is a change  
12 and what the changes were in an electronic  
13 communication. They are then to review the policy in  
14 greater detail, and if it impacts the employees, it's  
15 their responsibility to ensure that the employees are  
16 trained and understand the change of the policy.  
17 Q. So I'll give you a hypothetical, and you tell me if I  
18 understood what you just said correctly through my  
19 hypothetical. Suppose there's a change in the  
20 compensation policy and that is then posted to the  
21 I-Net. Additionally an e-mail goes to all of the  
22 managers of the departments whose employees are  
23 affected by that change advising them of the change,  
24 right?  
25 A. Uh-huh.

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1 Q. Yes?  
2 A. Yes.  
3 Q. And then it's the expectation that those managers  
4 would communicate that change to the employees in  
5 their department that it affects?  
6 A. It is an expectation that they do that, yes. In  
7 addition, if there's a significant enough change to a  
8 policy, there's also communication that goes out to  
9 all employees as well.  
10 Q. Via e-mail?  
11 A. Via -- there's a publication called ProLeader and  
12 ProNews, comes out weekly. Any communication for  
13 leaders comes into ProLeader, and any communication  
14 for employees goes into ProNews. So if there's  
15 anything significant, it would be communicated in  
16 that manner as well, in addition to reviewing it at a  
17 staff meeting.  
18 Q. And is it the expectation that departments will have  
19 staff meetings on a regular basis?  
20 A. It's up to each department how often and whether they  
21 have them.  
22 Q. Okay. So I think we looked at a change to the time  
23 recording policy earlier, like it was revised in  
24 2012, and I think in a situation like that, is that  
25 something that comes out in the ProLeader and the

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1 ProNews?  
2 A. It would have.  
3 Q. Okay.  
4 A. I believe.  
5 Q. Okay.  
6 A. Again, I wasn't there in 2012, but --  
7 Q. Right. But if I wanted old ProLeader and ProNews  
8 documents from that time and I looked at it, it would  
9 presumably be in there?  
10 A. Uh-huh. Yes.  
11 Q. Something like Epic being implemented -- well, I  
12 guess let me ask this. Who would have made the  
13 decision -- which department or which leader or  
14 officer would have made the department -- would have  
15 made the decision to use Epic for housekeepers?  
16 A. I believe that it wouldn't have just been for  
17 housekeepers, it may have been for all employees. It  
18 comes from the executive team that they wanted to  
19 automate the --  
20 Q. Everything pretty much?  
21 A. Everything, yeah.  
22 Q. Okay.  
23 A. And then as far as who uses it, anybody who has  
24 patient access or patient care area uses it.  
25 Q. And so for housekeepers, the need for them to be

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1 involved in the Epic system relates to the fact that  
2 they're cleaning patient rooms and patient areas, and  
3 so anything that's associated with patients,  
4 including the cleanliness of the room and the fact  
5 that the room was clean, shows up in Epic?  
6 A. Yes.  
7 Q. Okay. The pagers, though, are those linked to Epic,  
8 or is that better for Ms. Thornburg?  
9 A. I think you need to ask her that question.  
10 Q. Okay. But as far as you know, they're not linked?  
11 A. As far as I know, they're not linked.  
12 Q. Okay. They're just like regular pagers, somebody  
13 calls them, it beeps, and then the person who has the  
14 pager calls the caller back?  
15 A. Uh-huh. Yes.  
16 Q. Yes?  
17 A. Yes.  
18 MS. MURSHID: Okay.  
19 (Exhibit 47 marked for identification.)  
20 BY MS. MURSHID:  
21 Q. Do you recognize this document?  
22 A. It looks like a request form for either paid time off  
23 or leaving for an appointment.  
24 Q. So I'm just -- we don't have to talk about, like, the  
25 substantive filled-in parts of this sheet. This is a

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1 document that we produced to defendant's attorneys  
2 which our client had. I just kind of want to talk  
3 about the form itself and where it comes from, if you  
4 know. Is this an HR form?  
5 A. I do not know whether it is an HR form. It was  
6 created -- it's been always in place that I know of.  
7 Ever since I've been there, I've seen this form, so  
8 it must have been in place in all other departments  
9 when there's a person that needs to request time away  
10 or must need to complete a request form for time off.  
11 Q. Okay. How is this different, if at all, than the  
12 manual edit logs that we've been talking about today?  
13 A. This appears to be a request in advance.  
14 Q. Okay.  
15 A. As opposed to the manual edit log, it must happen on  
16 the day that they either missed, came in late, or  
17 left early or missed a punch.  
18 Q. I understand. So if I want to take off to go on  
19 vacation and I know when I'm going on vacation, I  
20 would use this form to submit it to -- and who does  
21 it go to, your manager?  
22 A. It would go to your supervisor.  
23 Q. Similarly, if I wanted to cancel my vacation, I would  
24 use this form to cancel PTO?  
25 A. That's right.

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1 Q. Leaving for an appointment, leaving early, leaving  
2 late, starting early, starting late, or if I want  
3 advanced notice to work through lunch or dinner,  
4 right?  
5 A. Yes.  
6 Q. Or advanced approval, okay.  
7 A. Yes.  
8 Q. Then I would submit this to my manager?  
9 A. Yes.  
10 Q. All CNAs, all housekeepers?  
11 A. Yes.  
12 Q. In -- well, let's -- so I think I understand most of  
13 this. I'm starting early, I'm starting late. Then  
14 it says trading days. What does that mean, if you  
15 know?  
16 A. It's possible that a person had asked for time off  
17 and may be willing to trade with someone else,  
18 someone else would work for them.  
19 Q. And then would you notify your supervisor using this?  
20 A. Yes.  
21 Q. I'm going to work for John Doe?  
22 A. Yes.  
23 Q. He's trading with me?  
24 A. Yes.  
25 Q. Now it says here trading days not result in overtime.

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1 What does that mean?  
2 A. It means if someone is trading that has already put  
3 in, let's say, 30 hours, and the person that wants to  
4 trade for 12, it would put that other person to 42  
5 hours for the week, therefore it -- they could --  
6 they couldn't work more than the difference.  
7 Q. 10 hours?  
8 A. 10 hours, right.  
9 Q. Okay. Okay. And then there's a box over here, it  
10 says reason not approved. That suggests to me,  
11 correct me if I'm wrong, that the manager has the  
12 power to not approve this request?  
13 A. That's correct. The manager, if they have other --  
14 several people on PTO at the same time, it may be  
15 that they need the staff so, therefore, they would be  
16 declined and it would be noted as to the reason why.  
17 Q. Is there a set of guidelines that govern when it  
18 would be approved versus not approved?  
19 A. That would be something based on the department.  
20 Q. Nothing written that you know of?  
21 A. Nothing that I know of.  
22 Q. In contrast, the manual edit logs that we talked  
23 about are more like a contemporaneous day-to-day  
24 document that people fill out if they forget their  
25 badge or something else happens?

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1 A. That is correct. Not in advance of. This would be  
2 in advance of.  
3 Q. Okay. Oh. Can you go back to this, 43. I think  
4 it's actually underneath your glasses. You kept it  
5 in there probably.  
6 A. Thank you. You told me to keep it out. You're  
7 absolutely right. That's why it was out of order.  
8 Q. Okay. This document I think we talked about -- I  
9 think you told me who ran this report, maybe.  
10 A. This is an all-employee download.  
11 Q. Yeah. For CNAs?  
12 A. That --  
13 Q. Came from Lawson, right?  
14 A. It came from Lawson, and PACU is outpatient surgery.  
15 Q. Okay. ATO yet?  
16 A. Yes. It's approved time off, not authorized time.  
17 Which is really one of the same, I just didn't want  
18 to misspeak.  
19 Q. What is the difference between approved time off and  
20 personal time off, PTO?  
21 A. There is no difference in my opinion. Personal time  
22 off -- well, yes, there is. Personal time off is  
23 earned.  
24 Q. Okay.  
25 A. And approved time off is when someone is sent home

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1 early, but during the time that they are sent home  
2 early, they still earn benefits.  
3 Q. But not pay?  
4 A. And not pay, unless they choose to use paid time off  
5 to supplement their time.  
6 Q. Okay. Got it. When you say they still earn  
7 benefits, though, what does that mean?  
8 A. Their benefit does not impact that they earn PTO.  
9 Q. Oh. So you accrue PTO on a daily rate?  
10 A. On an approved time off, yes.  
11 Q. So that --  
12 A. Sorry.  
13 Q. No. You go. I'm trying to summarize, and I should  
14 not do that, so --  
15 A. You accrue paid time off based on hours worked.  
16 Q. So if you get sent home, you're not penalized --  
17 A. That is correct.  
18 Q. -- in terms of your ability to accrue paid time off?  
19 A. Thus approved time off.  
20 Q. Got it. Okay. All housekeepers get ATO and PTO?  
21 A. Yes.  
22 Q. All CNAs get ATO and PTO?  
23 A. Yes. As long as they're benefit eligible.  
24 Q. Okay.  
25 A. And what that means is if they are part-time or

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1 above, then they have benefits. If someone's less  
2 than part-time or less than half time, they don't.  
3 They're not benefitted. If they chose to work only a  
4 couple days a week, that's a non-benefitted position.  
5 Q. Okay.  
6 A. Depends.  
7 Q. Is there an hours cutoff that makes them  
8 non-benefitted?  
9 A. .5, which is 20 hours a week.  
10 Q. Okay. So if you work less than 20 hours a week, you  
11 are a non-benefitted employee?  
12 A. Correct. You still get some benefits.  
13 Q. But not ATO and PTO?  
14 A. Well, it wouldn't go against them, but, no, they  
15 would not accrue.  
16 MS. MURSHID: Okay. I understand.  
17 (Exhibit 48 marked for identification.)  
18 BY MS. MURSHID:  
19 Q. Okay. This is the job description -- a couple of  
20 them actually, I think. Two for CNAs. My question  
21 is -- well, let me start by saying this. Do all CNAs  
22 have a job description?  
23 A. Yes.  
24 Q. Okay. That job description is formulated by the  
25 department which they are assigned to?

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1 A. Yes.  
2 Q. In conjunction with Compensation and Benefits?  
3 A. Yes.  
4 Q. And Sue Oliver, would she be involved?  
5 A. In writing the job description?  
6 Q. Or having anything to do with it.  
7 A. She may help facilitate if there isn't one done to go  
8 after the manager that it does get done.  
9 Q. Okay.  
10 A. Or update it in a timely manner.  
11 Q. Okay. So if you flip to the very last page, it says  
12 last modified 12-11-2013 by Jane Smeaton?  
13 A. Yes.  
14 Q. I recognize that name as someone who's coming  
15 tomorrow.  
16 A. Yes.  
17 Q. She's the manager?  
18 A. Yes.  
19 Q. For 4NW CNAs; is that correct?  
20 A. 4 Northwest. That's correct.  
21 Q. So they would have worked with Compensation and  
22 Benefits to formulate the job description 4 Northwest  
23 certified nursing assistants?  
24 A. That's correct.  
25 Q. And who is Bridget Morstad?

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1 A. She is in Compensation who would have done the  
2 compensation analysis on this particular role.  
3 Q. Got it. But regardless of which department a CNA is  
4 in, they would all have a job description?  
5 A. Yes.  
6 Q. What type of work do CNAs do?  
7 A. They -- a variety of duties.  
8 Q. Uh-huh.  
9 A. As outlined right here. They basically assist the  
10 nurse in caring for the patient.  
11 Q. That's what all CNAs do?  
12 A. Uh-huh.  
13 Q. Regardless of department?  
14 A. Uh-huh. They may have something specific to a  
15 department, but I don't --  
16 Q. So if you worked in ortho/neuro, would you deal with  
17 post-op patients more than you would in labor and  
18 delivery or something?  
19 A. Yes. And some of the procedures may be slightly  
20 different because of the specific area of the nursing  
21 area.  
22 Q. But as a general rule, CNAs are employed by the  
23 hospital to assist the nurse with patients?  
24 A. That is correct.  
25 Q. Is there an educational requirement for housekeepers?

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1 A. High school.  
2 Q. Is there an educational requirement for CNAs?  
3 A. Yes.  
4 Q. What is it?  
5 A. Preferably certified as a nursing assistant.  
6 Q. It is not required?  
7 A. It is now.  
8 Q. Okay.  
9 A. But high school education.  
10 Q. Okay.  
11 A. And training as a certified nursing assistant.  
12 Q. Okay. On the job or through, like, a technical  
13 college?  
14 A. Technical college typically.  
15 Q. Okay.  
16 A. The organization at Waukesha Memorial does not offer  
17 certificate nursing assistant training, so the  
18 nursing assistants that are hired are required going  
19 forward to be certified.  
20 Q. Okay.  
21 A. And maintain the certification.  
22 Q. Okay. Sounds to me like that reflects a recent  
23 change.  
24 A. Well, they've always asked for certification, but we  
25 did an audit and made certain that there's no lapse.

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1 Q. Okay.  
2 A. And if there was, we asked the person to finish and  
3 get certified or recertified.  
4 Q. Okay.  
5 A. At the organization's cost, by the way.  
6 Q. Okay. And that's the same for all CNAs regardless of  
7 the department?  
8 A. That's correct.  
9 Q. Okay. There -- it says on the bottom of my page of  
10 this document page 1 of 8, but I only have four pages  
11 here. Do you know why that might be the case?  
12 A. No, I don't.  
13 Q. Okay. I don't know if there's something missing. Do  
14 you know how many CNAs are currently employed by  
15 Waukesha Memorial?  
16 A. I thought it was about 184.  
17 MS. MURSHID: I actually think that we are  
18 about done, but I just want to go through a couple  
19 of things one more time in my office. So if you  
20 would give me just a few minutes, I may get you out  
21 of here in time.  
22 MR. LIED: Great.  
23 (Break taken from 3:27 p.m. to 3:35 p.m.)  
24 BY MS. MURSHID:  
25 Q. Let's look quickly at 46. We talked about this being

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1 a report that was run from Epic --  
2 A. Uh-huh.  
3 Q. -- based on housekeepers being required to call in  
4 their breaks?  
5 A. Yes.  
6 Q. Are CNAs also required to call in their breaks?  
7 A. I don't know.  
8 Q. Okay. Who would know?  
9 A. The CNA manager, supervisor, that you will be meeting  
10 with tomorrow.  
11 Q. Okay. She is identified as the 4 Northwest CNA  
12 manager, right?  
13 A. Yes.  
14 Q. Will she have that information for CNAs generally?  
15 A. Yes, she would.  
16 Q. Okay.  
17 A. Yes, she would.  
18 Q. Across all departments?  
19 A. Yes, she would.  
20 Q. Is that because they're -- all the CNA managers are  
21 all the same way?  
22 A. Yes, they are.  
23 Q. Thank you.  
24 A. And they all report within the nursing division.  
25 They all report up to the same leader.



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1 Q. Great. Are CNAs required to carry a communication  
2 device?  
3 A. I do not know.  
4 Q. That would be something that Jane would know also?  
5 A. Yes.  
6 Q. Okay. CNAs use Epic?  
7 A. CNAs use Epic.  
8 Q. For patient recording?  
9 A. That's my understanding.  
10 Q. Okay.  
11 A. But I don't know if they use it for their own  
12 personal, like housekeeping.  
13 Q. Okay. So it's not clear whether a report like this  
14 could be run for CNAs?  
15 A. It's not clear from my perspective. It may be, but I  
16 do not know.  
17 Q. Okay. So you just said that all the CNA managers are  
18 trained together. Did I understand that correctly?  
19 A. Well, the CNA managers understand Epic.  
20 Q. Uh-huh.  
21 A. The CNA managers know what the CNAs' requirements are  
22 and how they support the department that they are  
23 working on.  
24 Q. Uh-huh.  
25 A. And how CNAs, if they use Epic, how all CNAs use Epic

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1 regardless of what department they're in.  
2 Q. I understand. Okay. And then -- and that's because  
3 those CNA managers are within the same reporting  
4 structure? Like, do all CNA managers report to the  
5 same person?  
6 A. They report to different directors who report up to  
7 the chief nursing executive.  
8 Q. Okay. Like, can we go back to this organizational  
9 chart?  
10 A. Of course.  
11 Q. I think this was way, way on the bottom there. So  
12 help me understand where my CNAs are going to fall.  
13 A. Okay. The last one, -114.  
14 Q. Okay.  
15 A. There is a director, Holly Schmidtke.  
16 Q. Okay. First I see Chief Nurse Executive, Verna?  
17 A. That's correct.  
18 Q. And then I see Behavioral Health and Staffing  
19 Director, Holly Schmidtke?  
20 A. Yes. And underneath her there are different  
21 managers.  
22 Q. Deborah, Kirk, Corrine?  
23 A. Yeah. And each one of those areas would have CNAs  
24 working in there.  
25 Q. Okay. So System Pool Manager, Behavioral Health

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1 Interim Manager, okay. Interim Nurse Manager. So  
2 under behavioral health and staffing is the only  
3 place where CNAs fit?  
4 A. They would fit under Behavioral Interim Manager and  
5 Interim Nurse Manager, Corrine Gresen. In the system  
6 pool, I don't know -- well, they could if they have  
7 pool CNAs that are called upon to work when there's a  
8 shortage of full-time CNAs to do the work.  
9 Q. Okay. I understand. So my question, though, is  
10 Holly Schmidtke is ultimately responsible for -- as  
11 the director -- at the director level?  
12 A. Correct.  
13 Q. For CNAs?  
14 A. Yes, in addition to the nurses and others.  
15 Q. Right.  
16 A. Yes.  
17 Q. But as it pertains to CNAs, she's --  
18 A. As a director, she's ultimately responsible.  
19 Q. Would you say she's the Randy Sparrow equivalent for  
20 CNAs?  
21 A. Sure.  
22 Q. Yes?  
23 A. Yes.  
24 Q. Okay. That's very helpful. Thank you. And then  
25 ultimately Holly reports to Verna Seitz?

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1 A. Correct, Seitz.  
2 Q. Okay. So then all of the policies and procedures in  
3 terms of using Epic and communication devices and --  
4 for CNAs, the training on those is directed by Holly  
5 or one of the managers that reports to her?  
6 A. Yes.  
7 Q. Okay.  
8 A. Same for the next department, Mimi Pfitzinger's area,  
9 Trauma/EMS.  
10 Q. Are there CNAs there?  
11 A. There's CNAs in each one of these areas.  
12 Q. Oh, okay. Then I'm misunderstanding. Oh, let's back  
13 up.  
14 Okay. So there's CNAs in each one of these  
15 director's areas?  
16 A. That's correct.  
17 Q. Okay. So if I wanted -- but I guess what I'm trying  
18 to find out is are all CNAs treated the same in  
19 terms -- we've talked about a lot of the ways that  
20 CNAs are treated the same. They're all hourly,  
21 they're all nonexempt, et cetera?  
22 A. That's right.  
23 Q. They are all subject to the hospital-wide policies?  
24 A. That's correct.  
25 Q. Okay. And then the training on things like carrying



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1 a communication device or using Epic is going to come  
2 from one of these director level people?  
3 A. That's correct. Except please know that each one of  
4 these areas, you know, for consistency purposes, they  
5 would all be trained the same.  
6 Q. That's very helpful. So all CNAs would be trained  
7 the same?  
8 A. Yes.  
9 Q. No matter which department they're in?  
10 A. That's correct.  
11 Q. So the fact that I'm talking to Jane Smeaton tomorrow  
12 who's under medical/surgical unit as the manager of 4  
13 Northwest ortho/neuro, she's going to be able to tell  
14 me the policies and procedures that apply to all CNAs  
15 at the hospital?  
16 A. Yes, she should.  
17 Q. Because she was trained and they're all trained the  
18 same?  
19 A. Yes.  
20 MS. MURSHID: Thank you. I think I'm  
21 good.  
22 MR. LIED: I have just a few questions.  
23 MS. MURSHID: All right. Well, I reserve  
24 the right to follow up.  
25 EXAMINATION

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1 BY MR. LIED:  
2 Q. Ms. Huppertz, is there any requirement you are aware  
3 of that employees must stay on the hospital property  
4 during their lunch hour?  
5 A. They do not have to stay on the property during lunch  
6 hour as long as they swipe out.  
7 Q. If you could look at what was earlier marked as  
8 Exhibit 15 and page 3, paragraph numbered six on that  
9 page as Section C.  
10 MS. MURSHID: Hang on one second. I have  
11 to find it. 15 you're looking at?  
12 MR. LIED: Correct.  
13 MS. MURSHID: Okay.  
14 BY MR. LIED:  
15 Q. If an hourly employee misses the meal break, is there  
16 a mechanism to report that?  
17 A. Yes. It would be they must indicate that on the  
18 clock, on their swipe clock, and/or -- I mean on the  
19 log.  
20 Q. Okay. And this policy we're looking at, Exhibit 15,  
21 it refers to a cancelled lunch function key. If you  
22 know, what is that?  
23 A. If somebody takes a shortened lunchtime, essentially  
24 they have to indicate that they cancelled the lunch,  
25 that they didn't take the lunch. So then that would

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1 reverse their half an hour that they would not have  
2 received as pay. It would be paid because they  
3 worked it.  
4 Q. And we know that the housekeepers carry a pager and  
5 maybe CNAs carry some communication device. What is  
6 your understanding of the hospital's reason for  
7 requiring that?  
8 A. Safety reasons potentially, security, and the ability  
9 to reach a housekeeper if there's a stat.  
10 Q. We've talked several times today about the manual  
11 edit log. Let's say an employee missed a lunch  
12 period but forgot to write that down. Is it possible  
13 that a supervisor might have noted that situation and  
14 still reported that to an editor to be corrected?  
15 A. Yes, that's possible. As long as they're aware, the  
16 editor can make the change if an employee forgot to  
17 do it.  
18 MR. LIED: No other questions.  
19 FURTHER EXAMINATION  
20 BY MS. MURSHID:  
21 Q. You talked about a couple of the reasons why  
22 housekeepers are required to carry a pager, CNAs  
23 require a communication device, and one of them was  
24 that safety, security, and if they needed to be  
25 reached in case of a stat. Is that what you called

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1 it?  
2 A. Stat, yeah. Emergency.  
3 Q. Okay.  
4 A. If there's an emergency need for an extra room to be  
5 cleaned because maybe some -- to make the room  
6 available for the next person because somebody's  
7 coming in because of a huge accident or something.  
8 It's just an accident.  
9 Q. Sure.  
10 A. They may want to make sure that they reach the person  
11 and they can quickly clean the room.  
12 Q. So in order for them to be available to do that, then  
13 they have to monitor that pager?  
14 A. What do you mean by monitoring the pager?  
15 Q. I mean, they have the pager, and they have to -- if  
16 there's an emergency, the only way they would know  
17 that is if they're monitoring their pager, right?  
18 A. They would hear it.  
19 Q. Right. And it's on all the time?  
20 A. It's on all the time.  
21 Q. Right.  
22 A. They don't have to answer it, though, if they are not  
23 on work time.  
24 Q. Okay. But it's being monitored at all times?  
25 A. It's on the person.

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1 Q. Uh-huh.  
2 A. Because they check it out in the morning, and they  
3 turn it in at the end of the day.  
4 Q. Sure.  
5 A. So I don't know if the right word to use is monitored  
6 because it's not monitored. You have it with you,  
7 and if there's a stat, the person knows it, whether  
8 being paged or whether they look on the Epic system.  
9 Q. Uh-huh.  
10 A. They do not necessarily -- if they -- if they're out,  
11 not on paid time during that time that they carry  
12 that pager, they do not have to respond during their  
13 unpaid time.  
14 Q. Unless it's a stat?  
15 A. I don't know that for sure.  
16 Q. Okay.  
17 A. If it's -- when they're during working hours, if they  
18 have a stat, they know that because they get paged.  
19 Q. And -- right. And so the only way they know that is  
20 by keeping the pager on them at all times?  
21 A. Correct.  
22 Q. Okay. And having it on at all times?  
23 A. Correct.  
24 Q. Okay. And the same with the communication devices  
25 for the CNAs?

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1 A. Yes.  
2 Q. It's on them at all times?  
3 A. I believe so.  
4 Q. Okay. And they are able to respond at all times if  
5 needed?  
6 A. If they choose to during the unpaid time, yes.  
7 Q. Because they have that communication device on their  
8 person at all times?  
9 A. Yes, yes.  
10 MS. MURSHID: Okay. That's all.  
11 MR. LIED: We'll reserve the right to read  
12 and sign.  
13 (Original exhibits attached to original transcript.)  
14 (Copies of exhibits attached to transcripts as requested.)  
15 (The deposition concluded at 3:50 p.m.)  
16 \* \* \*  
17  
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1 STATE OF WISCONSIN )  
2 MILWAUKEE COUNTY )  
3 I, JENNIFER M. STEIDTMANN, Registered  
4 Professional Reporter, Certified Realtime Reporter and  
5 Notary Public in and for the State of Wisconsin, do hereby  
6 certify that the preceding deposition of ILDIKO HUPPERTZ  
7 was recorded by me and reduced to writing under my  
8 personal direction.  
9 I further certify that said deposition was  
10 taken at Hawks Quindel, S.C., 222 East Erie Street, Suite  
11 210, Milwaukee, Wisconsin, on the 15th day of April, 2014,  
12 commencing at 10:02 a.m. and concluding at 3:50 p.m.  
13 I further certify that I am not a relative or  
14 employee or attorney or counsel of any of the parties, or  
15 a relative or employee of such attorney or counsel, or  
16 financially interested directly or indirectly in this  
17 action.  
18 In witness whereof I have hereunto set my hand  
19 and affixed my seal of office at Milwaukee, Wisconsin,  
20 this 21st day of April, 2014.  
21  
22 JENNIFER M. STEIDTMANN, RPR, CRR  
23  
24 Notary Public in and for the State of Wisconsin  
25 My Commission expires 11/2/2014

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1 STATE OF \_\_\_\_\_ }  
2 \_\_\_\_\_ COUNTY } ss.  
3  
4 I, ILDIKO HUPPERTZ, do hereby certify that I  
5 have read the foregoing transcript of proceedings, taken  
6 on the 15th day of April, 2014, at Hawks Quindel, S.C.,  
7 222 East Erie Street, Suite 210, Milwaukee, Wisconsin, and  
8 the same is true and correct except for the list of  
9 corrections, if any, noted on the annexed errata sheet.  
10  
11 Dated at \_\_\_\_\_, \_\_\_\_\_,  
12 (city) (state)  
13  
14 this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
15  
16  
17  
18  
19 ILDIKO HUPPERTZ  
20  
21  
22  
23  
24  
25

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